

Report of Various Size – Fieldwork research (FRANET)

Rights of crime victims to have access to justice – a comparative analysis

Country Report Netherlands 2017

Art.1, Dutch knowledge centre on discrimination

In cooperation with: Atria, Institute on gender equality and women's history

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Executive summary

This report presents the results of fieldwork research carried out in the Netherlands in the period from January 2017 to May 2017. In total, 21 interviews with practitioners and 12 interviews with victims of violent crime were carried out. Practitioners and victims were interviewed about their views and experiences concerning the rights of victims of crime in the Netherlands, the legal framework and the reality of the rights in practice. The following topics were discussed with the practitioners and victims:

1. Predominant perceptions of the victim's role in the criminal justice system (e.g. as a witness, a partie civile, a private prosecutor or a Nebenkläger)
2. Victims reporting their victimization to the police
3. Empowerment of victims by the provision of information, victim support services, legal advice and legal aid
4. Availability of an effective remedy: a victim's means to put an investigation/proceedings in progress and to challenge the discontinuation of proceedings or the acquittal of the accused
5. Victims' active participation in the investigation and in court trial
6. Victims' protection against secondary victimization
7. Victims' protection against repeat victimization
8. The victim's civil law claims: compensation and restitution
9. General assessment of victims' situation in accessing justice

The report follows the structure of the interviews conducted and summarises the answers provided by interviewees. In this executive summary, the main points per section are summarised.

1. Perceptions of the victim's role in the criminal justice system

A great variety of views exists regarding the main role of victims in the criminal proceedings: a witness testifying and thus providing evidence; a damaged party seeking restitution; a party to the criminal proceedings entitled to have a say in the proceedings. Most noticeable is the level of agreement amongst interviewees working for support services, in contrast with other groups displaying a greater variety of positions. Professionals working for victim support services view the victims unanimously as a party to the criminal proceedings entitled to have a say in the proceedings. Most of the police interviewees agree, but one of them perceived the victim mainly as a witness. The majority of judges and prosecutors state that the victim has all three roles mentioned above and consider all these roles as (equally) relevant. The lawyers, contrary to other practitioners, also partly emphasise the role of victims as a damaged party seeking restitution. In addition, they perceive the victims as a party to the criminal proceedings entitled to have a say in the proceedings.

When delving deeper into the impact of the involvement of victims aside from the role as witness, all interviewees state that the role of the victim is (very) important in the criminal proceedings, although the target groups differ significantly in their assessment of the situation. The judges, public prosecutors and lawyers on the one hand put emphasis on the fact that the involvement of the victim in the proceedings changes the experience of the court trial for the victim as well as for the public prosecutors, the judges and the perpetrator and could therefore also influence the decisions that are being made. Police interviewees focus more on the victim as a (full) partner in the proceedings, stating the victim's voice should be heard, but mainly pointing out the practical role and added value the victims' input can have during the proceedings. The interviewees working for support services focus on the instrumental role of the victim to report, but also expressed that a comprehensive record of a case can only be complete if the victim is involved. All professional groups recognized to a greater or lesser extent that the legal possibilities do not match the daily practice of victim's rights.

Victims cite different motivations for getting involved in proceedings. Four out of twelve interviewees were obliged to participate as a witness or got involved because of pressure of the police. Others wanted to make use of the possibility to present their views on what had happened and explain the impact of the event to the court as well as to the offender. Also, victims participated in the proceedings to influence the process, mainly by contributing to the

court trial and trying to influence the penalty. Only one victim declared that he wanted to make sure that the truth was told. The majority of the interviewees assess their role and contribution to the proceedings as minimal, vague and unclear. There are some exceptions to this view, i.e. victims who see their contribution as very important. A majority of the interviewed victims say they would have liked or expected to be more involved and have more opportunities to contribute to the proceedings.

2. Victims reporting their victimization to the police

Practitioners provide differing views concerning the impact of victims' reporting (or underreporting) on the criminal justice system's effectiveness. The willingness to report greatly varies between different victims, according to the support service interviewees. Victims less prone to report to the police according to this group of interviewees are victims of domestic violence, victims with a migrant background, victims with a certain religious/ethnic background and victims of psychological abuse. The police interviewees also mention that the willingness to report varies per individual and per group. Judges and public prosecutors voice the opinion that the basic attitude of victims concerning reporting is hesitant, but that they are influenced by a variety of factors: emotional and practical obstacles, the nature of the incident, personality of the victim and the context in which the incident took place. The vast majority of the lawyers is convinced that victims are reluctant to report, or at least encounter many obstacles when it comes to reporting. The victims' unwillingness to report could affect the criminal proceedings, because if there is no police report, there is – mostly – no criminal case. Victims' reporting also influences the legal proceedings if victims explicitly do not wish prosecution to take place. In some categories of crime (e.g. domestic violence) however, the Public Prosecution Service will continue to investigate even if the victim decides to withdraw.

Especially police officers and victim support service employees agree that the issue of underreporting can be addressed with specific measures. Raising victims' awareness of their rights and of support services available to them and better protection of victims against repeat victimization and retaliation are seen as the most useful measures to address the problem.

Most of the victims were not able to identify any specific factors that contributed to and facilitated their reporting to the police. It appears to be a logical step for these victims to report to the police when they become victim of (violent) crime. For the victims who said to have experienced obstacles with respect to this aspect of the proceedings, the factors hindering reporting to the police were of a personal, emotional nature, e.g. finding it hard to press charges against their own family. The interviewees did not mention any obstacles related to reporting to the police. Most of the victims state that they would report to the police again if they were victimized again. The extent to which they are convinced about the use of reporting differs: some claim it is evident that reporting is useful whereas others are cynical and doubtful based on their experiences.

3. Empowerment of victims by the provision of information, victim support services, legal advice and legal aid

Apart from some exceptions, most practitioners agree that there are enough victim support organisations in the Netherlands. People from all social classes and different ethnic backgrounds are supported, sometimes by specific support services. The number of specialized organisations focussing on one type of crime or one type of victim is also thought to be sufficient. Practitioners regard the services as capable, but they cannot judge whether these services have enough resources. Regarding the availability and quality of specialised services for victims of domestic violence, the overall assessment of practitioners is more mixed: some practitioners state that too many organisations now exist, making the situation unclear for victims and leading to organisations working in fragmented ways. Also, practitioners criticise that specialised organisations do not take a stand and that the availability of specialist support is insufficient or depends on the region, meaning that not every victim has the same access to specialised services.

Regarding the question whether victims of crime are provided with information about the general support services available to them in an effective and timely way, the general impression of practitioners is that the situation has been improving over the past years. Providing information to victims of crime is generally seen as a task for the police, so the main criticism in this context targets the police. The introduction of victim rights related legislation has led to improved awareness amongst police officers of the needs of victims. Again, the assessment is slightly more

negative when it comes to the situation of victims of domestic violence. Interviewees do not agree whether this group of victims receives correct, relevant and complete information about support services.

Practitioners were asked several questions on the specific rights of victims in the context of reporting and participation in the court trial, including the following rights: the right to be accompanied by a support person of their trust when they are interviewed by the police and during court trial; the right to be legally advised when they are interviewed by the police and during trial; and the right to be legally advised free of charge. In general, practitioners are aware of the existence of these rights, stating that on paper, victims should be able to make use of these rights. However, several interviewees assess the awareness of victims of their rights as too low, adding that victims are not always informed of the possibilities to make use of these rights. It depends on the specific case, on the victim and on the police officer or public prosecutor whether or not a victim can in fact make use of their rights.

Since all 12 victims interviewed for this report were recruited through organisations providing victim support, all of them were in touch with a support organisation. The great majority of interviewees were informed by the police about support services and were positive about the services provided. Half of them stated that the actions of the organisation providing support services did not change their involvement in the proceedings. Three interviewees were not accompanied by a person of trust during the police interview. The majority of those who attended trial (less than half) were not assisted by a person of trust at the trial. Only one victim was assisted by a lawyer.

Practitioners were asked about their views on the information provision to victims by authorities, especially the police and the public prosecution service. Although they are privy to different kinds of information – police officers for example know first-hand what happens within their organisation, whereas lawyers and victim support practitioners only see the results of information provision through the eyes of their clients – the various professional groups do not significantly differ in their assessments. Overall, the impression of practitioners is that victims are not generally provided with full and reliable information at their first contact with the authorities. Too much depends on the individual police officer, on the nature of the case, and perhaps even on the victim. Although some information is certainly provided, this is rarely seen as complete and does not always relate to the role of the victim in the subsequent procedure. All practitioners interviewed thus agree with the statement that information provision to victims needs to be improved. There is a great deal of disagreement amongst practitioners however regarding information provision during various phases of the procedure, both between and within professional groups. All interviewees are aware that victims should be informed at various stages, although there is some disagreement on who should do the informing (police or public prosecution). On the question whether victims are indeed informed, there is a clear difference between the institutional perspectives of police, public prosecution and judges, and the victim perspectives of victim support organisations and lawyers. Those representing public authorities are aware that sometimes mistakes occur, but they think or claim that in general, information is routinely shared; those representing victims claim that there are significant structural problems with information provision during procedures.

The experiences shared by victims show that at least in their specific cases, information provision before and during trial was very scarce: only one interviewee was informed by the police upon first contact about his role and rights in the proceedings, only one interviewee indicated that he was sufficiently informed about how the case developed, only two interviewees had access to their case files.

4. Availability of an effective remedy: a victim's means to put an investigation/proceedings in progress and to challenge the discontinuation of proceedings or the acquittal of the accused

All practitioners interviewed are aware of the margin of discretion of the police in deciding whether an investigation should be carried out. The same is true for the margin of discretion of the public prosecution service. The majority of interviewees view it as one of the primary tasks of the public prosecutor to decide whether prosecution is possible and desired. When it comes to challenging the decision of a public prosecutor not to prosecute, all groups of practitioners are familiar with the so-called article 12 procedure by which an interested party – such as the victim – can file a complaint against a decision of the public prosecutor not to prosecute. The majority of practitioners is under the impression that victims cannot formally challenge a decision of the police not to investigate a case. However, according to some interviewees, the article 12 procedure can also be initiated towards the police, via the public prosecutor, even though not many victims are aware of this possibility.

4 out of 10 victims who have had a court trial believe that they have influenced the outcome of the proceedings. The victim interviewees disagree on the question of whether they would have appreciated a more important role in the proceedings. When assessing the overall outcome of the proceedings, the victims interviewed provide different views. 4 out of 12 of the interviewed victims are generally satisfied with the conviction, sanctions and awarded compensation. 2 of the victims are explicitly neutral about the outcome, and do not wish to express any further opinion on this. 2 of the interviewed victims did not have a trial yet. The remaining 4 victims are greatly unsatisfied, expressing their disillusion and frustration. The difference in assessment can be explained by the different outcomes in terms of conviction of the perpetrator (yes or no), the sanctions imposed and the compensation provided to the victim.

5. Victims' active participation in the investigation and in court trial

The chances of a victim to be heard at important stages in the proceedings or when decisions are taken are significantly influenced by the severity of the case or the professionals involved. Even though rules and conditions apply to the assessment whether a victim should be heard, individual professionals also make an assessment of whether they deem it necessary to talk to the victim. Practitioners from all categories argue that although on paper victims are entitled to ask for relevant evidence to be secured, in practice it rarely happens, if only because victims are rarely well informed by police or public prosecutors of the possibility to file such a request. The possibility for victims to call for evidence to be considered during court is assessed in a similar way. Nearly all practitioners state that victims are not entitled to ask questions or have questions put to witnesses during court trial, which can lead to painful situations, as the victim need to listen passively to the hearings. The majority of the interviewed practitioners state that victims who are migrants with an irregular status can only in exceptional cases stay longer in the country in order to participate in proceedings.

Concerning the actual experience of the victims interviewed, the large majority of victim interviewees were not heard before or during the proceedings. Only 2 victim interviewees were informed of the possibility to ask to secure evidence, suggesting that this information is not provided. The same applies to information on the option to call for evidence to be considered in the court trial: only 1 victim interviewee confirms to have been informed this possibility. The great majority of victim interviewees were not informed about the possibility to ask questions or have questions asked to witnesses. The victims interviewed have differing views on whether they would have liked to have had more opportunities to be involved in the proceedings.

6. Victims' protection against secondary victimization

According to a large majority of practitioners secondary victimization is not (yet) a point of focus of the police. Victims of violent crimes are sporadically protected against secondary victimization, depending on the individual police officer who encounters a victim. Generally, practitioners indicate that measures to avoid a confrontation between victims and offenders are not adopted routinely, but that it is usually taken into consideration at the court house as well as at the police station. Many court houses are not well equipped to separate victims and suspects (and their entourage) systematically. At the police station, suspects who have been arrested are often taken to a part of the police office that is strictly separated from the part where victims may come.

According to the majority of interviewed practitioners, being interviewed by a trained professional is not a right for all victims, but only for specific categories of victims. Categories mentioned are victims of sexual assault and victims with a mental illness or minor victims. Practitioners give conflicting information or do not know whether victims can ask to be interviewed before the court trial and to have their statement audio-video recorded and played during the court trial. When victims wish to be heard without presence of the public, according to the majority of interviewed practitioners they can ask for this, but cannot claim it as a right. Interviewees provide conflicting answers to the question of whether victims of sexual or gender-based violence have a right to ask that they are interviewed by a person of their sex.

Interestingly, the majority of practitioners, from all categories except lawyers, note that restraint is exercised to ensure that victims are not asked questions about their private or family life. All target groups agree with the general assessment that the police attach great importance to treating victims in a respectful and sympathetic manner. The

only group that voices some reservations are the victim support service employees. There is more disagreement on the question whether police perceive the victim primarily as a witness. Public prosecutors and judges are thought to attach great importance to treating victims in a respectful and sympathetic manner too, though some lawyers interviewed express reservations about this assessment. Interviewees provided conflicting views on the question whether public prosecutors and judges see the victim as playing a central role in criminal proceedings.

For the great majority of victims interviewed, the police did not actively enquire about their need to be protected against secondary victimisation. The majority of them was not confronted with the offender. Victims mostly describe the setting of the police interview as calm, safe or fine. Only 3 out of 12 interviewees were heard during trial. All interviewees agree that they were not asked inappropriate or unnecessary questions. When questions were asked about private life or family life, these were seen as relevant to the case. Some of the victims interviewed found it difficult to understand and follow the course of the proceedings, others did not.

7. Victims' protection against repeat victimization

Overall, the level of knowledge and agreement on questions of repeat victimization is low amongst the practitioners interviewed. It is not clear whether the police assess on a regular basis whether measures need to be adopted to protect the victim against repeat victimisation. Some of the practitioners interviewed say the police do, others are not aware of measures. Most practitioners think that there are other crimes, aside from domestic violence, where the police focus on victim protection, for example in conflicts between neighbours. This is thought to mainly depend on the vulnerability of the victim.

The interviewed victims were asked specifically which measures were taken in their cases. 2 out of 12 interviewees state that they received police protection upon first contact with the police. All other 10 interviewees did not receive police protection. Some of them state to have been scared that the offender would come for them again.

In cases of domestic violence, protection measures target both the victim and the perpetrator. According to practitioners, when a suspect is caught red-handed, he or she will be arrested immediately and detained overnight, while police will confer with the public prosecutor whether to impose a restraining order. Several practitioners also mention the possibility of moving a victim to a safe house. Another possibility is the instalment of an "Aware System" (Abused Women's Active Response Emergency). Other customised measures which can be implemented include asking the victim to temporarily move in with another relative. Interviewees refer to the instalment of a restraining order or a house ban in order to bring tranquillity into a family as a standard procedure against repeat victimisation.

Most professionals note that Safe at Home (Veilig Thuis) is automatically notified by the police in cases of domestic violence, also in order to look into possibilities to protect the victim. The 26 regional Safe at Home (Veilig Thuis) organisations are the hotline and information centres for matters regarding domestic violence and child abuse. Anyone who is confronted with or suspects domestic violence or child abuse can contact Safe at Home for expert advice and support, and/or to report incidents. The Safe at Home organisations work together with the police, judicial authorities, family doctors and local social workers.

Even though multiple organisations for specialised victim support exist, the police refers as many victims as possible to Victim Support the Netherlands. Regarding the question whether protection measures are followed up by court orders, practitioners indicate that this is a complicated matter. They are often unable to provide a clear answer. Especially the rules governing which institution has the authority to impose which kinds of measures and for how long are described as multi-faceted and complex.

The victims of domestic violence interviewed had diverging experiences regarding the protection by the police in from repeat victimisation. One interviewee would have expected the police to do much more to protect her, others also think that the police could have done more, but do not know what that could have been. The victims have differing views about whether they would have needed more support to prevent further situations of violence. As the views are dispersed and the group of interviewees small, there are no general conclusions that can be drawn from these statements.

8. The victim's civil law claims: compensation and restitution

The majority of practitioners interviewed do not think that the police inform victims routinely about their entitlement to state compensation, even though they do not precisely know what information is provided. Most practitioners assume that not the police, but Victim Support the Netherlands and lawyers tell victims about the existence of the state compensation fund for victims of violent crime. Practitioners do believe that the police inform victims about the possibilities to obtain restitution within the framework of criminal proceedings, but it is unclear if whether is done routinely and thoroughly. According to the majority of the practitioners criminal court rulings on the victim's civil law claims is a common occurrence. A smaller group of practitioners provide a conflicting assessment, saying that this only happens in exceptional cases.

8 out of 12 of the victims interviewed did not apply for state compensation. Out of the 4 victim interviewees who did apply, one was still waiting for the final decision. For the other three, compensation was granted by the Violent Crimes Compensation Fund (*Schadefonds Geweldsmisdrijven*). The procedure to apply is seen as complicated and victims imply that not every victim would be able to apply. 7 out of 12 victim interviewees did not raise civil law claims within the framework of criminal proceedings, the other 5 did. The outcome of these proceedings was either not known or negative.

9. General assessment of victims' situation in accessing justice

Overall, practitioners have differing views of the fundamental role of the victim in criminal proceedings. Some are outspoken in the demand that the victims should be a central party to proceedings, as they are the ones who suffer damage. In this view, a trial would not be complete without the victim. Other practitioners have more ambivalent positions, pointing to the complex and complicated question of who can be defined as a victim, which is less clear than a suspect. Also, victim rights are seen as bringing about tension in relation to the presumption of innocence of the suspect. Nonetheless, the majority of practitioners do not think that victim rights are likely to upset the balance between public prosecution and defendant. It may however be necessary to redesign court proceedings, if victims are to take on a greater role.

Most, but not all practitioners interviewed believe that victim rights are taken seriously by practitioners working in the criminal justice system. Despite good intentions the result is not always satisfactory, according to some. Most practitioners agree that victims' concerns should be taken still more seriously, even though the situation has already improved in recent years. While some call for formal adjustments of the current framework, others prefer to wait to let the current system be implemented fully, without adding new regulations or procedures at this point in time.

When asked to assess the overall outcome of their involvement in proceedings, the majority of the interviewed victims state that the investigation and the court proceedings added to the harm done by the offender. This is mainly due to the outcome of the proceedings, as the offender was not sentenced as they wished. The majority of the victims had the impression that their concerns and rights were taken seriously by the police during the investigation. This was less clearly the case. They are more critical of the way the court treated their concerns and rights at the trial. Victims differ greatly in their views whether the investigation and proceedings conveyed a strong message that justice is done: where one victim is satisfied with the way the offenders were investigated, prosecuted and sentenced, another is disappointed and disillusioned with the entire proceedings. This appears related to the outcome of the investigation and trial.

Introduction ¹

This report presents the results of fieldwork carried out in the Netherlands between January 2017 and May 2017. The first interview took place on 23 January 2017, the last interview on 24 May 2017.

In total, we interviewed 21 practitioners and 12 victims of violent crime. Most interviews were carried out by two researchers employed by Art.1, knowledge centre on discrimination, and Atria, institute on gender equality and women's history. The research was overseen by a project manager from Art.1 and an expert on qualitative fieldwork from Leiden University.

Given that this report is based on small-scale qualitative research, which is reflected in the small number of interviews for certain categories of respondents, the reader should bear in mind that the findings reported here are only representative of those persons who were interviewed.

The sample was composed following guidelines provided by FRA. The table below shows the envisaged and realised sample of practitioners interviewed in the Netherlands.

Professional group	Number envisaged	Number realised
Staff member of organisations providing victim support services (S)	4-5	5
Police officers or other staff member of law enforcement agencies (P)	4-5	5
Prosecutor or criminal court judges (J)	6-8 (at least 2 judges and 2 prosecutors)	6 (2 judges, 4 prosecutors)
Lawyer representing or advising victims in proceedings (L)	4-5	5
Total number	21	21

For victims of violent crime, the envisaged sample included specific characteristics that informed the selection of interviewees. The table below shows the envisaged and realised distribution of interviewees.

Criteria	Number envisaged	Number realised
18 years or older	12	12
Cases where the offender was prosecuted for violent crime against the interviewee	12	12
Cases must have developed to the stage of a court trial	12	10
Cases that ended with the conviction of at least one offender	At least 7 but no more than 9	9
Cases of domestic violence	At least 4 but no more than 6	4
- of these cases, cases that ended with the conviction of at least one offender	At least 2-3	3
- of these cases, cases concerning female victims	At least 2-3	4

¹ Regarding the contents of the introduction please refer to the explanation in paragraph [42] above.

Overall: female	at least 5 but not more than 6	6
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Recruitment required a great deal of effort. We used different channels to recruit interviewees from their respective professional groups as well as individual victims willing to share their perspectives. We used the following channels:

- Victim support organisations: interviewees were identified through existing contacts with victim support organisations and through the mediation of Victim Support the Netherlands. The selection took into account the background of the different support organisations, including organisations that deal mostly or exclusively with domestic violence cases and organisations with a more general focus.
- Police: interviewees were identified through existing contacts, through contacts provided by Victim Support the Netherlands, and through referrals from interviewees. The sample includes individuals at different levels of the organisation.
- Prosecutors: interviewees were identified through an internal contact in the Public Prosecution Service with a referral function within the organisation. We also used existing contacts.
- Criminal court judges: an official request for interviewees was filed with the Council for the Judiciary in December 2016. This request was approved in May 2017. As we had already identified relevant judges for interviewing, the suggestions of the Council for the Judiciary were not needed (although the approval was necessary). The views of the two judges interviewed should not be interpreted as representative of all criminal court judges in the Netherlands.
- Lawyers: interviewees were identified through the membership list of the network of lawyers for victims of violent and sexual crimes (*Landelijk Advocaten Netwerk Gewelds- en Zeden Slachtoffers*). An invitation was sent to the entire list. A selection was made of those willing to participate based on geographic region.
- Victims of violent crime (not domestic violence): a letter was sent to 150 recent clients of Victim Support the Netherlands, explaining the purpose of our research and inviting them to respond by e-mail if they were interested in participating. Out of the group of interested victims, a selection was made to fit the sample envisaged by FRA.
- Victims of domestic violence: we contacted victim support organisations dealing with domestic violence, e.g. safe houses. The characteristics of the envisaged sample informed the selection of interviewees, but due to the scarcity of potential interviewees, the choice was limited.

We envisaged semi-structured interviews of between 60 and 90 minutes for both practitioners and victims. Due to the level of detail and the length of the questionnaire provided by FRA, the interviews with practitioners took much longer, averaging 108 minutes. The average duration of the interviews with victims was 79 minutes. Due to the large number of detailed questions, most interviews resembled structured rather than semi-structured interviews.

Most interviewees – both practitioners and victims – were open and willing to answer most of the questions. When interviewees were unwilling to answer, this was mainly due to perceived lack of knowledge about other organisations. Only among public prosecutors and some police officers was there some unwillingness to express personal views on the activities and attitudes of other organisations and professional groups; this they explained by referring to the official positions of their organisations, which do not allow for flexibility in personal views or ideas. For the victim interviewees, personal experience (e.g. level of involvement in the court case) often determined how much information they could provide. There was no unwillingness to answer questions. In some cases, interviews had to be paused to allow victims to come to terms with their emotions, triggered by the recollection of experiences. This did not constitute an obstacle to the interviewing.

The following sections summarise our findings per topic and professional group. Where possible, we draw comparative conclusions. The report corresponds to the questions asked during the interviews and therefore represents a close account of the information provided by the interviewees.

1. Perceptions of the victim's role in the criminal justice system

1.1. Views of practitioners

1.1.1. How do practitioners of various professional groups view the primary role of victims in criminal proceedings and its significance (please refer to Question Pr 1.1)?

	S	P	J	L
As a witness testifying and thus providing evidence;	0	1	2	0
As a damaged party seeking restitution;	0	0	0	2
As a party to the criminal proceedings entitled to have a say in the proceedings;	5	2	2	3
Other, please specify below	0	2	2	0
Don't know	0	0	0	0
TOTAL	5	5	6	5

This question was understood by the majority of the professionals as enquiring into the role of the victim as it should be according to them, rather than what it actually is in practice. In general practitioners however reflected on their own opinion in relation to the perceived situation in practice, also pointing out the discrepancy between both. These reflections are provided in the following explanations per professional group.

Victim support services

Professionals working for victim support services unanimously view victims as a party to the criminal proceedings, entitled to have a say in the proceedings. However, they state that the actual role of victims in practice leans towards the first (witness) and second (damaged party seeking restitution) roles. It is crucial that victims be fully acknowledged as a party to the criminal proceedings, to be seen and heard, and to have a voice in the proceedings [S5]. To obtain a complete picture of the case, we should not only see things from the standpoint of the suspect, but also from that of the victim – who was a witness, suffered damage, and experienced the consequences of the alleged crime [S1].

Police

Most police see the victim as a party to the criminal proceedings entitled to have a say in the proceedings. While one interviewee perceived the victim mainly as a witness, others expressed more humanitarian views: in the first place that the victim should be seen as a human being and not only an instrument [P3] and that attention should be paid to immaterial damage [P2].

“Although- from the official perspective of the police ‘damaged party seeking restitution’ would be the right answer, the victim according to me is a human being and a party in the proceedings. Although their involvement is practical and necessary in service of the investigation, the victim should not become only an instrument in the process. The victim is a human being with needs and has to be served according to

this principle. The victims' involvement in the process should therefore be an adequate one, based on their needs, so they will not suffer from secondary victimization.” [NL/P/03]²

The victim is entitled to restoration and emotional recovery through the proceedings [P5]. The physical presence and personal explanation of victims can be convincing for judges, as it provides insight into the impact and severity of a crime. Victim statements are often useful for judges to make appropriate decisions [P4].

Judges / public prosecutors

4 out of 6 judges and public prosecutors stated that the victim has all three of the above-mentioned roles, which are all (equally) relevant. When forced to choose, the diversity of answers captures the differences in emphasis within the group, some choosing the more traditional and instrumental role of witness [J1, J2]: without a testifying witness and evidence, the case would not exist [J1]. Others place more emphasis on the role of victims as a party in the proceedings [J3, J4], reasoning that the presence of victims benefits the process and gives victims an opportunity to seek restitution. The two judges distinguished themselves from the public prosecutors in stating that the primary role of the victim depends on the case [J5, J6]. This group of professionals had the most difficulty expressing their own opinions, generally providing an analysis of the situation rather than expressing their own views.

Lawyers

In contrast to the other practitioners, 2 out of 5 lawyers saw the victim as a damaged party seeking restitution, one of them stating explicitly that this is the role that can best be fulfilled within the current legal framework and in the Dutch legal tradition [L1]. In this context, the interviewee expresses the opinion that the legal framework as it has (originally) been designed is the most suitable for victims fulfilling the role of a damaged party seeking restitution. As the following quote illustrates, considerations of protecting victims against stress caused by the procedure can hereby also play a role.

“I really understand that a lot of the victims' rights are limited, for the protection of the victim. You don't want to expose [the victim] entirely to the penal procedure, but I think that that is not so bad in practice right now and the extent to which that happens now is already quite taxing, but it is becoming actually only more frustrating and taxing.” [NL/L/01]³

3 out of 5 lawyers perceived victims as a party to the criminal proceedings entitled to have a say in the proceedings. Lawyers emphasized that the case evolves around the victim [L4] and that the victim is a source of information concerning both what happened (evidence) and the impact of the crime [L5].

² NL/P/03 *“Hoewel vanuit het officiële perspectief van de politie het antwoord ‘een partij die schade heeft geleden en een schadevergoeding eist’ het goede antwoord zou zijn, is het slachtoffer in mijn ogen vooral een mens en een partij in de procedures. Hoewel hun betrokkenheid praktische van aard is en dat ook nodig is voor het onderzoek, moet hun betrokkenheid niet puur instrumenteel zijn. Het slachtoffer is een mens, met behoeftes die vervuld moeten worden. Hun betrokkenheid moet daarom adequaat zijn, maar ook gebaseerd op hun behoeftes, zodat ze niet aan secundair slachtofferschap zullen lijden.”*

³ NL/L/01 *“Ik snap heel goed dat veel van die slachtofferrechten toch nog wat beknot worden ter bescherming van het slachtoffer. Je wilt hem ook niet in volle omvang blootstellen aan de strafprocedure, maar ik denk dat dat wel meevalt en ik denk ook dat de mate waarin dat nu gebeurt is eigenlijk al heel belastend is en het is alleen maar meer frustrerend en belastend is.”*

Conclusion

The table and overview above suggest a great variety of views on the main role of victims in criminal proceedings. While the consistency in answers among professionals working for victim support services is noticeable, we see greater diversity in opinions among the other professional groups.

1.1.2. How significant do practitioners assess the role of victims in criminal proceedings, apart from victims testifying as witnesses? (Question Pr 1.2)?

Victim support services

Professionals working in support services find the victim's role – apart from testifying as a witness – to be very important. But two interviewees [S3, S4] explicitly state that the victim's main role is to report the crime. Although interviewees emphasize that victims' experiences and views are very important to develop a comprehensive record of the case [S1, S5], and victims are nowadays entitled to all kinds of rights [S2], in practice their role in proceedings remains limited. S2 claims that 80% of the attention goes to the offender and only 20% to the victim, sometimes even less. The implementation of victims' rights still requires much improvement since their role is not embedded in the proceedings.

Police

The police unanimously find the role of the victim to be (very) important in criminal proceedings. It is important that victims' voices are heard [P3]. The victim is a stakeholder [P3] and should be a full partner in criminal proceedings [P2]. All interviewed police officers emphasized the practical role (damage claim, report, witness, additional information) as well as the emotional role (clarifying the full impact of the crime) of victims in criminal proceedings.

Judges / public prosecutors

Judges and public prosecutors perceive the role of the victim in criminal proceedings to be (very) important. The more severe the case, the more space and attention there should be for the victim [J2, J4]. One of the objectives of the court case is to show the crime's impact on the victim [J1]. Victims are useful for providing a complete view of the case and explaining the crime from their perspective, and thus important for making a sound judgement [J4]. It was explicitly mentioned several times that the judgement and the approach of the public prosecutor as well as the judge can be influenced by the presence of the victim [J3, J4, J6]. The victim carries considerable weight in some phases of the proceedings.

Lawyers

4 out of 5 lawyers emphasized the importance of the victim's role. L1 reflected broadly on current practice, stating that although awareness of the role of victims has changed over the past years, practical implementation within legal proceedings remains difficult; the victim's role still largely depends on the professionals in charge of each specific case. The other lawyers emphasized their own views and experiences. The mere presence of a victim is already valuable in a criminal proceeding: victims can clarify the impact of crimes, whereas all attention in the legal process would otherwise go to suspects and their personal circumstances [L2]. The involvement of the victim in the proceedings changes the experience of the court trial for the victim as well as for public prosecutors, judges and the perpetrator [L3]. Victims are therefore important as a source for deciding upon the punishment or measures to be taken [L5]. Victims should be involved, not only to confront suspects with the consequences of what they have done, but also for the reparation of damage to society [L4].

Conclusion

There was no major disagreement between interviewees; all stated that the role of the victim is (very) important in criminal proceedings. Nevertheless, the groups of practitioners differed in their assessments of the situation. The judges, public prosecutors and lawyers emphasized that the involvement of victims changes the experience of the court trial for the victim as well as for public prosecutors, judges and the perpetrator, and can influence decisions.

The police focussed more on the victim as a (full) partner in proceedings, stating that the victim's voice should be heard and pointing to the practical role and added value that victims' input can have during proceedings. While support services staff focused on the victim's instrumental role to report crimes, they also emphasized that case records can only be complete when victims are involved. There also appears to be a gulf between theory and practice: all professional groups recognized to a greater or lesser extent that the legal possibilities do not match the daily practice of victim's rights.

1.2. Views of victims

1.2.1. How did the interviewed victims assess their role in the proceedings (Question V 1.1 – V 1.3)?

To the extent that victims participated in the criminal proceedings, interviewees mentioned several motivations for involvement. 4 out of 12 interviewees were obliged as witnesses or became involved due to implicit pressure from the police [V2, V9, V10, V11]. The three victims of domestic violence were in direct danger and sought protection. The police asked them to cooperate in proceedings because otherwise it would become more difficult to take sufficient (protective) measures. In addition the possibility of sentencing would be increased by their involvement [V9, V10, V11]. The fact that especially victims of domestic violence struggle with the consequences of their actions for the investigation and court trial and any kind of eventual conviction is expressed by the following quote:

“Again and again, he did things that he got away with legally, but which were indeed very threatening. Sometimes I think: if only I had let him pull the baby carriage out of my hands. If only I had went to the safe house. Then at least I had had a case” [NL/V/10]⁴

The second most common reason for victims to participate was to present their views on what had happened and explain the impact of the event to the court as well as to the offender [V1, V5, V12]. V5 states that she believe there is something good in every individual and hopes the offender has learned something from the trial

Others declared that their principle motivation to participate was to influence the proceedings, mainly by contributing to the court trial and trying to influence the penalty imposed [V3, V6, V7]. This is not necessarily to increase the penalty, but can also refer more generally to a wish to influence the outcome of the case and reach a solution. Interviewee V3 explains this in the following terms:

“One day he hits me, but he is totally lost at that moment (under influence of drugs) and he doesn't even remember it, or he regrets it afterwards. I'm reporting in order to be able to arrange health care for my son, not to punish him. The criminal procedures are a total waste of money in my opinion, I just want a solution.” [NL/V/03].⁵

Only V4 declared that he wanted to ensure that the truth was told, since he was convinced the offender would lie. Another victim initially had no intrinsic motive to participate in the proceedings, but had already been questioned by the police before he was really aware of what was happening, since he was suffering from brain damage [V2]. One victim was not involved at all [V8].

The majority of interviewees (9/12) assessed their role and contribution to the proceedings as minimal (5) or vague and unclear (4). V9 claimed her contribution was very important. V12 only identified the contribution she made,

⁴ NL/V/10 “Hij deed telkens dingen waarmee hij telkens ontkwam. Waarmee hij juridisch niet [vervolgd kon worden], maar wat wel echt dreigend was. Soms denk ik weleens: had ik die buggy maar uit mijn handen laten trekken. had ik maar naar dat blijf van mijn lijf huis gegaan. Dan had ik ten minste een zaak gehad.”

⁵ NL/V/03 “Op een dag slaat hij mij, maar hij is helemaal de weg kwijt op dat moment (onder invloed van drugs) en hij kan het niet eens herinneren, of heeft er later spijt van. Ik doe aangifte om zorg voor mij zoon te regelen, niet om hem te straffen. De strafrechtprocedures zijn een totale verspilling van geld naar mijn mening, ik wil gewoon een oplossing.”

while V5 stated she would rather not have been involved. Interviewees who stated that their role was minimal said they would have liked greater chances to participate [V4], that they had no idea what else they could have done [V1], and that they had not been informed about the proceedings and their possible role in them [V2]. A greater number stated that their minimal role was understandable since the public prosecutor decided to discontinue the case and the proceedings were short [V2, V10, V11]. Reporting to the police, drawing up a declaration for court trial, and reading or having read their statement in court appears to be the maximum extent to which they were involved. As already mentioned, 5 out of 12 interviewees stated that their role and contribution to the proceedings was vague or unclear. They cited several factors, such as lack of information [V3, V6-V8], not feeling fully acknowledged in the proceedings [V3], and the impression that the proceedings happened without being a part of it [V6].

"I had the impression that the whole scene evolved around me, without being a part of it. The only role I had was providing the necessary information, but I did not feel supported, and the fact that I had to report to the police over and over again about assaults to form a dossier was exhausting." [NL/V/06]⁶

The general impression is that one must invest tremendous effort to keep informed and be part of the proceedings. V9 stated that her role was very important, since she took it upon herself to claim help from the legal system and to demand support and protection.

A majority (7/12) of the interviewed victims said they would have liked or expected to be more involved and have more opportunities to contribute to the proceedings. 3 explicitly mentioned that they would have liked to be more involved and have more opportunities to contribute, although they also stated that they had not been well informed about the proceedings and their possible role, and were therefore uncertain about the possibilities they were deprived of [V2, V6, V8]. Others were disappointed by the police not involving them in making a decision [V9] or in verifying the testimony of the offender [V11]. V10 claimed that the public prosecutors did not listen and dismissed the case. 2 stated that they might have liked to be more involved and to have more opportunities to contribute to the proceedings, but did not know if this would have been possible due to personal circumstances [V7] or practical legal possibilities [V3]. Of the 12 interviewees, 3 stated they did not expect or wish for more involvement or opportunities to participate [V1, V4, V5]. V1 added that she does not know how she could have been more involved or what she could have contributed to the process.

Conclusion

Victims got involved in the proceedings mainly because they were involved as a witness (no intrinsic motivation), to obtain protection, to influence the process and present their views on what had happened. As far as it comes to victims' assessment of their role in the proceedings, it appears that their involvement in practice does not seem to be self-evident. This could be assumed since 9 out of 12 interviewees state that their role and contribution was minimal, vague or unclear and the majority has mentioned that they would like to have been informed better and it was been clear to them what their rights were and to what extent they were able to get involved in the proceedings. This has been confirmed by 7 out of 12 interviewees stating they would have liked to be involved more (with respect to receiving information as well as active participation in the proceedings), with an 2 two stating they would have liked to be more involved and to have more opportunities to contribute to the proceedings, but do not know if this would have been possible.

⁶ NL/V/06 *"Ik had het gevoel dat de hele scene zich om mij heen afspeelde, zonder dat ik er onderdeel van was. De enige rol die ik had was informatie verstrekken, maar ik voelde me niet gesteund, en het feit dat dat ik iedere keer opnieuw moest rapporteren over de incidenten om maar een dossier te vormen was uitputtend."*

2. Victims reporting their victimization to the police

2.1. Views of practitioners

2.1.1. How do practitioners assess the impact of victims' reporting (or underreporting) on the criminal justice system's effectiveness (question Pr 2.1)?

Victim support services

The willingness to report varies greatly between individuals [S1-S3]. Victims of domestic violence are unanimously seen as the group for which reporting is a steep hill to climb [S3, S5]. Victims of violent crime are considered more willing to report, since they presumably know the value of reporting [S2].

Victims less likely to report to the police include in particular victims of domestic violence, where only 50-60% are expected to file charges [S3]. According to support services in the field of domestic violence, this is partly the result of the specific circumstances under which victims of domestic violence are expected to report. Victims of domestic violence have (partly justified) concerns that reporting to the police will not help their situation in the short term, as it may have consequences for their overall situation concerning their family and children. This is explained by a representative of a victim support service as follows:

*“..for most victims of domestic violence the reporting of crime is an enormous steep hill to climb. The perpetrator can be vindictive and it takes time for the victim time to feel safe again. Victims feel the pressure to report because officials of the Safe at Home (Veilig Thuis) organisations [youth care services] will be at their homes soon. Victims are not happy to report. The police has a legal obligation to notify the Safe at Home (Veilig Thuis) organisations about incidents of domestic violence, related to urgency and danger. The urgency of the police notifies can be too much for someone who is in danger and already overburdened. Youth Care institutions like Safe at Home start their investigation which is often incriminating instead of supportive for the victim.” [NL/S/05]*⁷

Also victims with a migrant background who have had bad experiences with the police (in their former country) [S3], victims with a certain religious/ethnic background in which pride and shame play a significant role [S2], and victims of psychological abuse [S4] have been mentioned explicitly as groups which are less likely to report. Other reasons not to report that were implicitly or explicitly mentioned include: fear of retaliation [S1] and unfamiliarity and uncertainty about what will happen after reporting. As S4 stated, willingness or reluctance are not the best terms to describe the dilemma: more relevant in the decision to report to the police is lack of familiarity and clarity regarding the consequences of reporting.

While reflecting on the police, support services staff said that they sometimes discourage victims to press charges when it is foreseen that an assault is hard to prove [S3, S4]. While the police may do this to protect the victim from ineffective and disappointing procedures, it can be perceived by the victims as discouraging or as if the police is not taking them seriously, thereby not adding to the trust in the criminal justice system. Bad experiences with the police during reporting can lower trust and make victims hesitant to file a report [S2, S4, S5]. This can have an impact on the proceedings especially when it comes to repeated victimization, since victims are assumed to become more reluctant to report if they have been turned away before. In cases of domestic violence, this can have the effect that escalating cases of violence are not brought to the attention of the police: victims who are discouraged from reporting in a stage of the relationship where the abuse is not judged severe enough for an investigation may decide not to report again even when the abusive situation becomes more threatening.

⁷ NL/S/05 “Voor slachtoffers van huiselijk geweld is het een enorm struikelblok om aangifte te doen. Dader kan wraakzuchtig worden en het duurt een tijd voordat je veilig bent. Je bent vaak gedwongen om door te gaan, want je krijgt hoe dan ook Jeugdzorg over de vloer. Mensen zijn niet blij om aangifte te doen. De politie heeft meldplicht, dat heeft met spoed en gevaar te maken. Die spoed kan voor iemand die al in gevaar is, die het hoofd al vol is, te veel zijn. Incriminerend/belastend onderzoek van Jeugdzorg, in plaats van hulp.”

Since prosecution ex-officio is the exception rather than the rule, a victim's unwillingness to report can influence the proceedings since there is no litigator [S1, S2]. S5 states that the fact that victims are often emotional, want to leave as soon as possible, and have their minds set on other issues, can influence the proceedings since the report is not straight-forward and incomplete.

Police

Police interviewees also stated that the willingness to report varies between individuals and groups [P1, P4, P5]. P3 mentioned that people are generally not excited to go to the police or to be in touch with them, while their willingness to report is influenced by several factors: victims have many questions and are insufficiently prepared and often do not know what to expect [P1-P3], or do not trust the police to act on their report or properly handle the information [P1, P4, P5]. One interviewee even raises doubts about the desirability of filing reports, as the police cannot always live up to the expectations of the victim. This attitude is based on the same experiences as the assessment of victim support services discussed above, but comes to a different conclusion concerning the responsibility of the police. This is illustrated by the following quote:

"In general, people are not too excited to go to the police station or get in touch with the police. I'm not a big fan of reporting, since the police cannot always offer the one reporting what he or she is hoping for, since not all things are provable. There are so many cases in which the police cannot investigate. As it comes to the victim, I believe more in having a conversation about their needs and then finding the best way in which they can be accomplished and which organizations need to be involved. In case of domestic violence, for example, it's not always useful to interfere in a family by pursuing a criminal proceeding."
[NL/P/03]⁸

People also get ideas about this from the media [P1]. Reluctance to report can also stem from feelings of shame about being a victim [P3]. In addition, many people do not find their way to the police since they are unaware of the possibilities or lack confidence in the legal proceedings [P1]. Sometimes people do not want to file a report as much as they just want the situation to end, and may therefore not be willing to report [P1]. The consequences of reporting (for example obligatory measures placed upon the victim, the offender and the children) can also dissuade the victim from reporting [P4].

Victims of severe crimes related to human trafficking, prostitution, or discrimination are often afraid to be open about their situation or are afraid of being arrested (for example undocumented migrants) [P3]. Other groups who find it hard to go to the police include people from certain ethnic/religious groups [P4, P5], people with (mental) disabilities [P5], victims of domestic violence or those who are abused in a family context [P1, P4], and victims of stalking [P1].

The attitude of victims can affect criminal proceedings. If there is no police report, there is no criminal case, unless someone is prosecuted ex-officio by the authorities [P1, P3].

Judges / public prosecutors

Only 2 interviewees thought that victims are generally willing to report [J1, J3]. Several stated that the attitude of victims depends on a variety of factors, including emotional and practical obstacles [J1], the nature of the incident, the personality of the victim, and the context in which the incident took place [J2, J6]. The majority (5/6) of interviewees claimed that victims of domestic or partner-related violence, sexual violence and discrimination are more reluctant to report [J2-J4, J6]. This is explained by the specific situation of victims of domestic violence, where more is at stake than just the prosecution of the perpetrator. Interviewees show clear awareness of the dilemma's

⁸ NL/P/03 "In het algemeen zijn mensen niet heel enthousiast om naar het politiebureau te gaan of contact op te nemen met de politie. Ik ben geen grote fan van aangifte doen, omdat de politie de melder niet altijd kan geven wat hij of zij hoopt, omdat niet alles bewezen kan worden. Er zijn zo veel gevallen waar de politie geen onderzoek kan doen. Als het gaat over het slachtoffer, geloof ik meer in het hebben van een gesprek over hun behoefte, en dan de beste manier vinden om die te vervullen, en welke organisatie betrokken moet zijn. In een geval van huiselijk geweld, bijvoorbeeld, is het niet altijd zinvol om te interveniëren met een strafrechtzaak."

victims are facing, which is an important implicit finding in itself, especially concerning the group of judges and public prosecutors who might be hindered in their own work by the unwillingness or unpredictability of victims. The fact that they can take the victims' situation into account, can be seen in the following quote of a public prosecutor:

"[willingness to report] really depends on the nature of the case. For domestic violence, it is of course a problem, because one moment they want to report, the other they don't. Which I can understand, because they are caught in a dilemma. So these victims are both really willing and really unwilling. If I see a reason to prosecute, I will do that." [NL/J06].⁹

J5 however emphasized that the percentage of reported crimes is generally low amongst all kinds of victims, not just in domestic violence cases. Additional reasons that make victims reluctant to report include fear of retaliation [J1, J2], not knowing what to do or where to go [J1], and scepticism about the usefulness of filing a report [J2].

Half (3/6) of the interviewees explicitly mentioned that the victim's attitude towards reporting can influence legal proceedings [J1, J2, J6]. Examples include withdrawing the police report [J1], discrimination cases where a victim does not trust that filing a complaint will accomplish anything [J2], or when a victim writes to a public prosecutor stating that she does not want to press charges [J6]. If there is no police report, there is no criminal case, unless someone is prosecuted ex-officio by the authorities. In some categories of crime (vice and domestic violence), the Public Prosecution Service will continue to investigate and the case will be pursued even if the victim decides to reiterate. The consequences can partly be alleviated by this possibility in the Dutch legal system [J3, J4, J6].

Lawyers

Only 1 lawyer claimed that victims are generally willing to report to the police [L1], stating that victims who have not been in contact with the police before, generally have a very high trust in the police. In cases where victims do not want to report to the police, it is often because this is seen as an extreme remedy that may escalate the situation (which is often true), especially in cases of domestic violence or conflicts between neighbours [L1]. The majority of lawyers (4/5), however, were convinced that victims are reluctant to report, or at least encounter numerous obstacles to reporting [L2-L5]. In fact, concern about the consequences of the criminal proceedings in itself can be a reason for victims not to report. One lawyer summarises this as follows:

"Obstacles to report are in fact often elements of the proceedings that are undeniably and inescapable aspects of investigations and trial. It's a train you cannot stop and you are obliged to stay in. You are being heard over and over again, whether you want it or not. You have to appear in court. You have to listen to things you don't want to hear. You have to realize all this before you start. To some extent, these obstacles (to report) are part of the criminal proceedings." [NL/L/03]¹⁰

Reasons for unwillingness to report can be personal as well as related to interactions with the police: sexual crimes within the family can turn lives upside down [L3], shame about personal circumstances in the case of domestic violence [L5], fear of retaliation [L2, L5], coming from a country where authorities are not trusted and not believing that the police will serve one's interests [L2], discouragement by the police based on provability or questions about personal circumstances [L1, L3-L5], fear of not being believed by the police [L5], and lack of police professionalism in the case of more vulnerable victims such as psychiatric patients or mentally limited persons [L5].

This group of practitioners did not explicitly reflect on whether the attitude of victims could influence proceedings. L3 mentioned that people unwilling to report could mean there will be no court trial. L5 stated that police reports are

⁹ NL/J06 *"[bereidwilligheid om aangifte te doen] hangt erg af van de aard van de zaak. Bij huiselijk geweld is het natuurlijk een probleem, want het ene moment willen ze wel aangifte doen, dan weer helemaal niet. Wat ik ook wel begrijp, want ze zitten natuurlijk in een tweestrijd. Dus die slachtoffers zijn zowel heel bereidwillig als zeer onbereidwillig. Als ik reden zie tot vervolging dan ga ik daar wel toe over"*

¹⁰ NL/L/03 *"Het is een trein waarin je in zit en die je niet meer kunt stoppen. Dat onderzoek gaat door of je dat nou wilt of niet. En je wordt verplicht om in die trein te blijven zitten, want je wordt gehoord en nog een keer gehoord en je moet op de zitting verschijnen. Je moet dingen aanhoren waar je niet op zit te wachten. Je moet je wel bewust zijn van die dingen voor je begint. In zekere zin horen de obstakels (om te melden) bij het strafproces."*

often poor in quality and imprecise, despite the fact that many actions and decisions are based on them. If no detection indicators are found in a declaration, no research will be conducted [L5]. So according to this interviewee, it is not so much the of victims' reporting (or underreporting) that has an impact on the criminal justice system's effectiveness, but the accuracy of the police reports and the ability of the police to follow up on the information they get from victims.

Conclusion

Whereas support services and police interviewees point out that the willingness to report highly depends the individual(s) involved and therefore varies per case, which is confirmed by half of the group of judges/public prosecutors as well, the majority of the lawyers claim that victims are in general reluctant to report. Several groups which are less prone to report are indicated by all groups of practitioners: victims of domestic violence, sexual crimes, human trafficking, discrimination and groups of certain religious or ethnic backgrounds. These groups are in general assumed to be less prone to report due to fear (for retaliation, being arrested or not taken seriously by the police) or out of shame for their personal situation.

The actual impact of victims' reporting (or underreporting) on the criminal justice system's effectiveness is assessed similarly by most of the practitioners. The proceeding can be influenced by the victims through several actions: not reporting, withdrawing a report, not trusting the police and the effectiveness of the proceedings and therefore not cooperating or protesting against the charges being pressed. These could all affect the (effectiveness) of the legal proceedings. It has been emphasized that without a litigator, investigation and prosecution could be impossible, therefore the impact of the victims' attitude can be significant. However, it also has been mentioned repeatedly that the effect of underreporting could in some cases (domestic/sexual violence, human trafficking) be alleviated by the fact that the police as well as the Public Prosecution Service are allowed to investigate and continue the proceedings, even without an official report, ex-officio, although it has been claimed that this does not happen often.

2.1.2. How do practitioners assess the potential of the following measures in terms of improving the situation of underreporting? Would the following measures make it significantly easier for victims to report (question Pr 2.2)?

Professional groups	S - Agree or strongly agree	P - Agree or strongly agree	J - Agree or strongly agree	L - Agree or strongly agree
2.1.2.1 More victim support services available to victims of violent crime	4/5	3/5	NA	1/5
2.1.2.2 Raising victims' awareness of their rights and of support services available to them	5/5	5/5	4/6	4/5
2.1.2.3 Better protection of victims against repeat victimisation and retaliation	5/5	4/5	3/6	4/5
2.1.2.4 Setting up specialised police units or contact officers for victims of certain types of crime	2/5	4/5	2/6	2/5
2.1.2.5 Measures aimed to enhance the trust of the public in the police	2/5	5/5	3/6	2/5
2.1.2.6 Measures strengthening professional, respectful and non-discriminatory attitudes and conduct in the police	4/5	4/5	3/6	2/5

Practitioners were questioned about measures that could be taken to improve under-reporting. Based on the schedule above and the interviews, we briefly analyse each potential measure.

2.1.2.1 The support services (4/5) as well as the police (3/5) (strongly) agree that making more victim support services available to victims of violent crime would address the problem of under-reporting. Judges/public prosecutors (0/6) and lawyers (1/5) find the measure less useful.

Those who (strongly) agree on this point have similar reasons, all related to gaining access to good, proper, comprehensive and accurate explanations about the advantages and disadvantages of filing a report, which could aid the decision-making process. Many people do not know what kind of services exist (practical, legal, as well as emotional support). If social work is able to inform and guide people, reporting could become easier and more effective [S1, P2, P3, P5]. The problem is not the capacity or the number of victim support services, but accessing them [L2]. The interviewees (strongly) disagreeing on this point state that a sufficient number of support services already exist and are not optimally used [J1, J4, J5, S2, L2, L4]. J5 specifically states that he sees no relation between the number of support services and police reporting; better coordination and division of tasks among the organizations involved would be more helpful than creating more support services.

2.1.2.2 All groups of practitioners value raising victims' awareness of rights and of the support services available to them. Almost all practitioners see this as a major obstacle to reporting (S5/5; P5/5; J4/6; L4/5).

The general impression among the majority of interviewees in all professional groups is that victims are not aware of their rights and of the support services available to them – and that this is important to increase reporting. Increased awareness from the outset would ease the proceedings for the victims [S2] and make it more likely that victims make use of their rights [P3].

“Victims are not aware of their rights and the possibilities to ask for compensation. If victims would have this knowledge from the beginning of the proceedings, it will break down barriers.” [NL/S/02]¹¹

But informing victims of their rights and the support services available to them will not necessarily lead to reporting [J3] or to the implementation of victims' rights in proceedings [L5]. Since 3 April 2017, the police have been handing out flyers to victims upon their first contact with the police. The 'Declaration of Rights' contains clear information about the rights and services available to victims, including the possibility to file a report, the right to support by Victim Support the Netherlands, the right to be informed about progress in the proceedings, and the right to a translator/interpreter if needed. The development of this declaration stems directly from the EU Victims' Rights Directive [P1]. No further explanation was given by practitioners who (strongly) disagree.

2.1.2.3 All groups of professionals think that better protection of victims against repeat victimization and retaliation would improve the situation of under-reporting, meaning that the fear or actual threat of repeat victimization currently keeps victims from filing charges (S5/5; P4/5; J3/6; L4/5). These practitioners believe that victims' uncertainty about their personal safety or the safety of their family keeps them from reporting, especially in cases of stalking, human trafficking and domestic violence. However, protection from victimization is not necessarily limited to protection orders or restrictive measures. It can also mean supporting the victims in strengthening their own position. This is brought forward by one of the lawyers interviewed:

“I'm thinking about empowerment right away. I think this still needs improvement. Now it's mainly therapy and fellow-victims groups, although I don't know if I'm up to date with the complete social map. I don't

¹¹ NL/S/02 “Slachtoffers zijn zich niet bewust van hun rechten en de mogelijkheden voor compensatie. Als slachtoffers deze kennis zouden hebben aan het begin van het proces, zou dat de drempel verlagen.”

encounter it much. For example, I encountered two girls who were victim of the same pimp, who had deceived them with a false story about who he was and terrorized the girls. I proposed to them to meet each other and they really appreciated that. These kind of things are very important.” [NL/L/02]¹²

2.1.2.4 Setting up specialized police units or contact officers for victims of certain types of crime is mainly valued by the police (4/5). Other practitioners find this measure less likely to improve victims' willingness to report (S2/5; J2/6; L2/5). Based on answers provided by police officers, it could be assumed that their support of this measure stems from their positive experiences with specialized units. The police in the Netherlands already work with specialized units on cases involving domestic violence, sexual crimes and LGBT issues, and are bound to a “tailor work” protocol [P1]. Victims have access to specialized help, only have to tell their story once, know where to go, and have a clear image of who is able to help them – all lowering the threshold for reporting [P3]. P1 adds that such colleagues already exist; the challenge is organisational so that the correct person can consistently be called upon. P1 mainly sees the establishment of specialised units or employees as a way to increase the quality of the report, not so much to increase victims' willingness to report.

2.1.2.5 Measures to enhance the public's trust in the police is seen by most practitioners as less necessary (S2/5; J3/6; L2/5). Half of the judges/public prosecutors think it might be useful to enhance the public's trust in the police, especially among groups with a certain socio-economic background, or in certain neighbourhoods where such trust is low [J6]. Although the general public's trust in the police is sufficient [J4], minority groups, people from abroad, and people married by force feel less understood by the police [L4]. The police unanimously (5/5) claim that enhancing the public's trust could lead to victims being less reluctant to report. People lack trust in the police since “they are invisible and they don't take action”. Police should communicate what they do, and do what they say they will do, to regain that trust [P2]. Within police teams there is insufficient awareness of protective measures and how to implement them. P2 adds that this deficit is acknowledged by the police organization and that steps are being taken to improve the situation: the education of new recruits is being improved while the project Victim Support provides instructions and fact sheets and works with district contact persons [P1, P2]. Improving the education of police officers is essential to enhance the public's trust in the police [P2]. Distributing the aforementioned declaration of rights, creating media moments that cast the police in a positive light (the interviewee believes the police are very poorly depicted in the media), and simplifying the filing of reports would all enhance trust in the police and facilitate reporting [P1].

2.1.2.6 Measures to strengthen professional, respectful and non-discriminatory attitudes and conduct in the police are seen favourably by three groups of professionals: the support services, the police and the judges/public prosecutors (S4/5; P4/5; J3/6). Only lawyers find the measure less necessary (2/5). Practitioners supportive of these measures underline the attitude of the police towards victims in general [P5] and especially towards so-called target groups [J3, P2, L2, S1, S4, S5]. Interactions between police and victims do not always go smoothly. For example, people with mental limitations may express themselves vaguely and a non-specialized police officer may grow impatient, leading to friction. It is important to be able to take all different types of victims into consideration [P5]. Regarding specific target groups, special attention should be paid to victims of gender crimes [J3], human trafficking [L2], domestic violence [S4] especially targeting male victims [S5], and specific groups such as homosexuals and transgenders [S1, S5].

¹² NL/L/02 *“Ik denk direct aan empowerment. Ik denk dat daar nog wel verbetering nodig is. Nu is het met name therapie en zelfhulpgroepen, alhoewel ik niet weet of ik helemaal up to date ben met de hele sociale kaart. Ik zie het niet veel. Bijvoorbeeld, ik komt twee meiden tegen die slachtoffer waren van dezelfde loverboy, die hun bedrogen heeft met een vals verhaal over wie hij was en hij terroriseerde de meiden. Ik heb voorgesteld dat ze elkaar ontmoeten en ze hebben dat echt gewaardeerd. Deze dingen zijn heel belangrijk.”*

Conclusion

It can be noted that there is a lot of (strong) agreement amongst practitioners regarding the potential of measures in terms of improving the situation of underreporting, making it significantly easier for victims to report. Interviewees working for support services (strongly) agreed with measures 22 out of 30 times, the police (strongly) agreed 25 out of 30 times, the judges/public prosecutors (strongly) agreed 15 out of 36 times and the lawyers (strongly) agreed 15/30 times. It could therefore be assumed that the support services as well as the police see the most potential for improvement in the suggested measures with the aim to solve the issue of underreporting or might be viewing underreporting as a more pressing shortcoming in the current legal system and proceedings than the other professional groups.

With respect to the content of the measures that could be taken, raising victims' awareness of their rights and of support services available to them (18 out of 21 practitioners) and better protection of victims against repeat victimization and retaliation (16 out of 21 practitioners) were met with the highest number of practitioners agreeing on the usefulness. Other measures like strengthening professional, respectful and non-discriminatory attitudes and conduct in the police (13/21); measures aimed to enhance the trust of the public in the police (12/21); setting up specialized police units or contact officers for victims of certain types of crime (10/21); and more victim support services available to victims of violent crime (8/21) were met with less support.

2.2. Views of victims

2.2.1. Did the interviewees report their victimisation to the police (Question V 2.1)?

All interviewees had reported to the police. V4, however, only did so in the second instance, as he was first arrested by the police as a suspect, since the police was alarmed by neighbours when the victim got into a dispute with his neighbour. According to the interviewee, he was assumed to be the offender upon the arrival of the police and therefore treated as a suspect, not as a victim. Only later was he identified as a victim of a violent offence, and then was able to file a report [V4].

2.2.2. What are the factors identified by victims, who reported to the police, facilitating this reporting (Question V 2.2)?

Most victims were unable to identify specific factors that facilitated reporting to the police. It appears logical to report to the police when one becomes a victim of (violent) crime. Based on his poor experience with the police, V4 states that next time he would take the law into his own hands. Victims of domestic violence [V9-V12] state the main reason to report to the police was the escalation of the situation and to obtain protection from direct danger. Others stated their motivation to report was mainly protecting themselves or others from (repeat) offences [V6-V8]. V6 mentioned that:

"The police didn't respond in a strange way, that has helped me a lot. They didn't think it was weird I reported this situation. If they would have responded differently, if they would have put me down, otherwise I would have thought the way in which the offender treated me was somehow the truth. Words are very strong." [NL/V/06]¹³

¹³ NL/V/06 "De politie heeft niet op een rare manier gereageerd, dat heeft me erg geholpen. Ze dachten niet dat het raar was dat ik deze situatie heb gemeld. Als ze anders hadden gereageerd, als ze mij hadden afgewezen, dan had ik anders gedacht dat de manier waarop de dader mij heeft behandeld op de een of andere manier de waarheid was. Woorden zijn heel sterk."

Two victims were pressured by the police to file a report [V2, V5]. V3 tried to get help for his son by building a dossier. V4 was arrested as a presumed offender and facilitated the reporting while he was interrogated. V1 claimed it was self-evident for him to report.

2.2.3. What are the factors identified by victims, who reported to the police, hindering this reporting (Question V 2.2)?

For victims who experienced obstacles reporting to the police, the hindering factors were of a personal, emotional nature. Some explicitly mentioned that they found it hard to press charges against their own family members [V2, V9]. The interviewees did not mention other obstacles. However, one victim indicated that inappropriate police questioning made her doubt her report. V3 mentioned the outcome of several proceedings made her hesitant or doubtful about whether reporting was worth the effort.

2.2.4. What are the factors identified by victims, who did not report to the police, impeding this reporting (Question V 2.3)?

Question not applicable since all victims reported to the police.

2.2.5. Would the victims, if they were victimised again, report to the police? What are the reasons given by interviewed victims for their responses (Question V 2.4)?

The vast majority of victims (11/12) state that they would report to the police if they were victimized again. Only 1 victim [V4] claims that he has lost all faith in the police, since he was assumed to be aggressive and assumed to be the offender, right upon the police's arrival, without questioning (as described under 2.2.1). The entire proceedings, from the confused start to the overall outcome of the case were not satisfying for this victim, and his overall assessment can be described as cynical. This interviewee has therefore stated he would take the law into his own hands if he was to fall victim again, as can be seen in the following quote:

"Next time if I was to fall victim to a similar crime, I would kill the offender. I want nothing to do with the police. It's alright, they can charge me for it, but I'm not going to report again to these cockroaches."
[NL/V/04]¹⁴

The extent to which victims are convinced about the usefulness of reporting differs: some claim it is self-evident [V1, V3, V5, V6, V8-12] whereas others are cynical based on their experience [V2, V7]. Both interviewees who expressed doubt about reporting again claim they are hopeful (in case of a repeat offence) that the offender would be convicted, or that they could at least help build a file against the offender [V2, V7]. The larger group of interviewees mentioned other reasons that make reporting significant for them. 4 out of this group of 9 interviewees mentioned reporting as a standard practice and duty. They stated that it is only logical to report [V5], that one should always report to the police [V10], that it is their individual duty as a citizen [V6], and that they wanted to exercise their right to do so [V9]. 3 interviewees stated that offenders are likely to repeat the offence [V8, V11, V12] and wanted to ensure that a dossier exists [V12] and that they had done everything in their power to solve the situation [V11]. Especially in cases of domestic violence, victims were searching for protection against (repeat) assaults [V9-V12]. One of the domestic violence victims reported in the first place to seek protection, however did not stress this as a reason to report again. She emphasizes that the effectiveness of her first report to the police (which led to conviction of the offender and direct protective measures) would motivate her to report again, especially since repeat offending will cause the offender to be punished more severely [V12]. The two exceptions who were not

¹⁴ NL/V/04 "De volgende keer als ik slachtoffer wordt van een vergelijkbaar misdrijf maak ik de dader dood. Ik wil niks te maken hebben met de politie. Ok, ze kunnen me oppakken, maar ik ga echt niet aangifte doen bij die kakkerlakken."

focused on aspects of reporting as a duty or reporting as a way to secure protection were V1, who mentioned she does not want to keep the problem to herself, and V3, who reported only to get healthcare for his son (the offender).

3. Empowerment of victims (support, advice and information)

a) Support and advice

3.1 Views of practitioners

3.1.1 How do practitioners assess the availability of victim support services to victims of crime (Question Pr 3.1)?

Although the four public prosecutors claim to have no idea, the two judges state that the availability of support services to victims of crime is (more than) sufficient [J5, J6]. All other practitioners are unanimous that there are enough victim support organisations. People from all social classes and different ethnic backgrounds are being supported. The number of specialized organisations focussing on one type of crime or one type of victim is likewise sufficient [S2]. Although many interviewees claim to have no insight into the capacity and resources of these organisations [J1-J6, P1, P3, S1], a majority of those with opinions see them as capable [J6, P1, P2, P5, L4, S2]. A professional from the victim support services claims that the resources and capacity to support victims of crime are generally in place; although professionals involved in criminal proceedings are busy, cases are not overlooked due to lack of capacity [S2]. But although practitioners tend to positively evaluate the availability of support services, they voice criticisms regarding cooperation in the field [P1, S4]. Organisations in the field could be better aligned and work more efficiently.[P1].

“Many organisations exist, but victims are insufficiently aware of their existence. Because of the multitude of organisations, I have the feeling you cannot see the woods for the trees and it is unclear what each organisation stands for. I believe these organisations have sufficient resources and capacity but could work more efficiently. Organisations could have better alignment, for example. Currently, different organisations could be working on the same case without even knowing it.” [NL/P/01]¹⁵

In some cases the support services are said to lack professionalism [L3, L4, L5].

“National Victims’ Support are doing a good job, but exists mainly of volunteers. There are few professionals involved. These people have no degree in psychology or rights and that is a deficiency. This is important especially in the bigger, more complicated cases where some needs and important steps in the proceedings or support have a risk of being neglected.” [NL/L/03]¹⁶

Three lawyers [L3-L5] and one support service staff [S5] argue that victim support services lack professionalism, especially regarding legal knowledge. Too many volunteers are involved in the proceedings [L5] and few have degrees in psychology or criminal law [L3]. This especially matters in more complicated cases, where key steps

¹⁵ NL/P/01 *“Er bestaan veel organisaties, maar slachtoffers zijn zich niet bewust van hun bestaan. Vanwege de hoeveelheid, heb ik het gevoel dat mensen door de bomen het bos niet zien en het onduidelijk is wat iedere organisatie doet. Ik geloof dat deze organisaties genoeg middelen en capaciteit hebben, maar meer efficiënt zouden kunnen werken. Ze zouden beter op elkaar aan kunnen sluiten, bijvoorbeeld. Op dit moment kunnen er verschillende partijen aan dezelfde zaak aan het werken zijn, zonder het van elkaar te weten.”*

¹⁶ NL/L/03 *“Slachtofferhulp doet goed werk, maar ze bestaan voornamelijk uit vrijwilligers. Er zijn maar weinig professionals bij betrokken. Deze mensen hebben geen studie psychologie of rechten en dat is een gebrek. Dit is vooral van belang in de grotere, meer gecompliceerde zaken waarbij sommige behoeftes en belangrijke stappen in het proces over het hoofd gezien kunnen worden.”*

within proceedings risk being neglected [L3]. Nevertheless, most interviewed practitioners are very positive about the availability of support services to victims of crime.

3.1.2 In the view of the interviewed practitioners, are victims provided with information about the general support services available to them in an effective and timely way (Question Pr 3.2)?

Views here vary, but the general impression is that a previously rudimentary state of affairs has been improving over the past years. Some interviewees reflected on their past experiences; others focused on the changes and their hopes for the future. A short overview of their remarks is presented here.

Some interviewees claim to have no idea or opinion about this aspect of the proceedings, although they are aware of the police protocol on informing victims and assume this is being done [J1, J3, J4, J6]. Some practitioners explicitly state that victims are currently not being provided with information about the support services available to them in an effective and timely way [P2, L3, L5, S4]. Nevertheless, most agree that this part of the proceedings is generally well arranged, especially in urban areas where cooperation between organisations is better organised [L4, S1], and for cases of domestic violence [J2], sexual crimes and human trafficking [L3], and other high impact crimes [P2].

Providing information to victims of crime is generally seen as a task for the police. The main criticisms are therefore addressed to the police. In line with the general impression given by practitioners, S2 states that his opinion has changed radically over the past years. Numerous improvements have been made; he now regularly hears from clients that they have been informed about available support services, legal advice, possibilities for compensation, and the help they are entitled to. This was echoed by several interviewees. P2 states that the police have long approached victims as means to an end: victim statements were required to begin investigations, but officers were not focused on providing information to victims. He believes the partnership between police and victims has not been sufficiently acknowledged or implemented, generally due to lack of capacity. The police have made wrong choices in the past, for example the policy whereby only victims of high impact crimes had to be kept informed throughout the proceedings. P2 believes this is changing and that there is now much greater police awareness of victims and their rights.

The earlier perception of police officers was that there is little to be gained from informing victims since it does not help catch perpetrators or further criminal proceedings, according to P2. The pragmatic view expressed here, was confirmed by other officers, who mentioned that this has been the classic perception of victims from the police's point of view. According to this line of reasoning, the introduction of victim-related legislation has led to improved empathy for victims among police. Communicating with victims in a timely and effective manner is important for increasing the public's trust in the police. It will also benefit future interaction with victims if they feel they were well-informed of their rights by the police the first time around [P2]. Although providing information in a timely and effective manner may still be a point of attention, many professionals have witnessed improvements and have high hopes for future developments.

3.1.3 How do practitioners assess the availability of specialist victim support services to victims of sexual or gender-based (including domestic) violence (Question Pr 3.3)?

10 out of 21 interviewed practitioners stated that support services for victims of sexual or gender-based violence are sufficient. 5 answered that they did not know. Others expressed conflicting assessments: they stated that too many organisations now exist [P3], that an integral approach by victim support services would be more useful than specialization [J5], that the availability of specialist support is insufficient [S3, S4], that it depends on which police region you look at [P4], or they claim that they do not have enough insight to answer the question [P1]. L2 states that most victims turn to psychologists and not to victim support organisations for help. While numerous organisations exist to support victims of sexual or gender-based violence, she assumes one can find gaps in the

provision of support. Although resources and capacity are sufficient, the approach needs attention; more regular peer group meetings would help. Measures taken nowadays are more practical than directed at victims' awareness – a shortcoming for specific groups of victims such as female victims of ethnic minorities [L2].

A growing number of organisations identify themselves as domestic/sexual violence support organisations [S4] and victims can easily get lost in this highly fragmented field [P3, S1, S2]. Highly educated people who “know the way” are better able to access the help they need [L4]. Especially practitioners in the support services claim that the situation needs improvement. In line with the former remark about fragmentation, 2 out of 3 interviewees working in the field of domestic violence claim that much remains to be done to improve the availability of specialist services for victims of sexual or gender-based (including domestic) violence [S3, S4]. They also express that the provision of specialised approaches and services however does not fit into existing policy paradigms regarding target groups and policy targeting, as illustrated by the following quote:

“The Netherlands is focused on gender neutrality. You have a perpetrator and a victim, but gender is not factored into this. We are acting very gender neutral, but that is a topic and also a point of criticism for the government. Because now it was all devolved to the municipalities, and they also have to implement gender specific policies, and they still have to learn that. That is very complicated! Well, if we even find it complicated. Changing gender neutral policy into something that has to be treated gender specific is very difficult.” [NL/S/03]¹⁷

S2 regularly hears that these specialist organisations do not meet the needs of clients and often perceive things differently from victims. Existing networks within certain (ethnic and gender) groups should be used to reach out to victims. People belonging to or having affinity with these groups should also be involved to make support more accessible [S2].

3.1.4 In the view of the interviewed practitioners, how effectively and timely are victims of sexual or gender-based violence provided information about the specialist support services available to them (Question Pr 3.4)?

8 practitioners could not answer this question as they had no insight into this state of the proceedings [J1-J4, J6, P1, S1, L4]. This was especially the case among judges and prosecutors.

5 practitioners stated that victims of sexual or gender-based violence are not informed about specialist support services in an effective and timely manner [P2, P4, S2, S3, S5, L5]. This includes victims of domestic violence. As in many cases, in the absence of structurally implemented policies the outcome is arbitrary and depending on personal factors, which is expressed in the following quote:

“In the Netherlands it is a matter of coincidence, it depends on which police officer you have in front of you. You are lucky if you happen to encounter an officer who is emphatic and well-trained, who is aware of the appropriate measures and services and refers you accurately.” [NL/P/02]¹⁸

Although 6 practitioners thought information was generally provided in an effective and timely manner [J5, P5, S4, L1-L3], many of their responses contained qualifications. J5 was generally positive but added that victims of

¹⁷ NL/S/03 “Nederland is gericht op gender neutraliteit. Je hebt een dader en een slachtoffer, maar gender wordt daar niet per se bij betrokken. We zijn in Nederland erg gender neutraal bezig, maar dat is dus wel een thema en ook een kritiek punt op de regering. Want nu is het allemaal naar de gemeente gegaan en die moeten nu ook gender specifiek beleid gaan voeren, en dat moeten ze nog leren. En dat is best lastig! Tja, als wij het al lastig vinden.. Gender neutraal beleid omvormen naar iets wat genderspecifiek moet worden aangepakt is ingewikkeld.”

¹⁸ NL/P/02 “Je bent in Nederland nog altijd een beetje afhankelijk van het toeval welke politiemens je voor je neus krijgt. Heb je toevallig een servicegerichte die met je meeleeft en goed opgeleid is en de juiste wegen kent en goed doorverwijst dan heb je geluk.”

domestic violence were not properly informed about specialist support services by the police. L1 stated that while the police did provide information, it was not always clear, while victims who took the initiative to report to the police often received little information about available support services. L2 stated that victims are often not directly informed about specialized support organisations for sexual and gender-based violence. L3 stated that in cases of vice, victims are informed in a timely and effective manner, but in other cases, it depends on the knowledge of the individual police officer.

3.1.5 How do practitioners assess victims' possibilities of being accompanied by a support person of their trust when they are interviewed by the police (Question Pr 3.5)?

All interviewed practitioners stated that victims have this right and that the police should inform them of this right. 8 practitioners had no insight into whether the police actually do so [J1-J4, J6, P1, P3, L1]. This was especially the case among judges and prosecutors [J1-J4, J6], but notably also included police representatives themselves. 3 practitioners were convinced that people are not informed by the police or not informed in time [S1, S2, L5]. Two police officers stated that victims as well as the police are (often) unaware of this possibility [P1, P3]. Other officers stated that they themselves are aware of victims having these rights, but that they do not know whether this is communicated or implemented in practice [P2, P4, P5]. One police officer explains the opinion of several officers [P2, P4, P5] and sees this as a point of improvement, stating that:

"It would be good if police officers, when making an appointment with a victim to take their statement, propose that the victim can bring someone, particularly in more serious cases." [NL/P/02]¹⁹

Several practitioners indicated that victims are informed by the police about the right to be accompanied by a person of trust [L4, S3-S5], at least in cases of sexual crimes [L5]. But one lawyer stated:

"It is not self-evident; it takes lot of effort. I experience the attitude of the police as discouraging, except when it comes to minors. I'm under the impression that the police do not want any priers and is restraining third party presence as not to influence the reports" [NL/L/2].²⁰

P1 emphasized that this information was not provided until recently. But since April 2017, it is part of the standard information leaflet provided to victims by the police.

Regardless of whether the information is being provided, many practitioners pointed out victims are often unaware of this right [J6, P1-P3, S1, S2, S5, L5]. Three possible reasons were mentioned: a) the information has not been provided [J1-J4, J6, P1, P3, L1]; b) victims did not understand the information [S5]; c) the information reached them only after the police interview [S2].

3.1.6 How do practitioners assess victims' possibilities of being accompanied by a support person of their trust during court trial (Question Pr 3.6)

Most practitioners state that victims have the right to be accompanied by a trusted person during their court trial [J1-J6, P2, P4, P5, S1-S3, S5, L1-L5]. Most indicate that victims are being informed of this possibility by the Public Prosecution Service or by victim support organisations [J1-J6, P2, P4, P5, S1-S3, S5, L1-L5]. One professional from a support service for victims of domestic violence states that although victims are informed of this possibility, they are often too stressed to make accurate use of it [S5].

Victims are informed, but the way in which this happens does not work. If a victim receives a letter, she or he is often stressed. They don't get the message. There should be a separate office to which the police

¹⁹ NL/P/02 "Het zou goed zijn als de agenten die een afspraak maken met het slachtoffer om hun verklaring op te tekenen zouden voorstellen aan het slachtoffer om iemand mee te nemen, zeker in zwaardere zaken."

²⁰ NL/L/2 "Het is niet vanzelfsprekend; het kost veel moeite. Ik ervaar de houding van de politie als ontmoedigend, behalve als het gaat om minderjarigen. Ik ben onder de indruk dat de politie geen pottenkijkers wil en wil voorkomen dat een derde partij aanwezig is en de rapportage beïnvloedt."

and the Public Prosecution Service can refer the victim to. Each victim should get a mentor. Victims tend to forget things and often their knowledge about the proceedings is sketchy. [NL/S/05]²¹

Three practitioners could give no answer to this question [P1, P3, S4].

3.1.7 How do practitioners assess victims' possibilities of being legally advised when they are interviewed by the police (Question Pr 3.7)?

12 out of 21 practitioners state there are possibilities for victims to be legally advised when they are interviewed by the police [J1, J3-J6, P1-P5, S2, S3, L4]. But most also state that victims are not informed of this right, or that they don't know whether victims are informed [J1, J3, J4, J6, P3, S1, S2]. P2 states that victims are unaware of this right at the time of the police interview, while J4 doubts that this right is exercised in practice. A professional of a victim support service states that police themselves are generally not informed [S2]. Only two interviewees (2 police officers) state that the police inform victims of this right [P1, P5]. 6 practitioners – including 4 out of 5 lawyers – state that victims lack possibilities to be legally advised when interviewed by the police [S1, S5, L1-L3, L5]. L2 states that victims may have this right but it is not part of police procedure. L3 thinks that victims are not informed, except for victims of vice. 2 interviewees could not give answers. There is thus confusion among practitioners about whether victims indeed have the possibility to be legally advised when interviewed by the police: 12 state that such possibilities exist while 6 state they do not. There is greater consensus about whether victims are informed or aware of this right. Only two practitioners (police officers) state that victims are informed.

3.1.8 How do practitioners assess victims' possibilities of being legally advised during court trial (Question Pr 3.8)?

15 of the interviewed practitioners state that victims have possibilities to be legally advised during court trial [J1, J3-J6, S1-S4, L1-L5]. J2 could not give an answer while police officers were not asked this question. Although 15 out of 16 practitioners state that this possibility exists, some expressed serious doubts about whether this right is exercised in practice [J5, S5, L2, L3]. S5 and L2 said victims are not well informed about this possibility. 4 practitioners stated that the Public Prosecution Service and/or Victim Support the Netherlands inform victims of this right [J3, S1, S2, S5]. S2 and S5 expressed serious doubts about whether victims are effectively being informed this way.

3.1.9 How do practitioners assess victims' possibilities of being legally advised free of charge (Question Pr 3.9)?

20 of the 21 practitioners indicated that victims have the possibility to be legally advised free of charge; S2 could not provide an answer. But almost all practitioners stated that not all victims have this possibility. 15 practitioners said that the right to free legal advice depends on the severity of the crime and that only victims of sexual and violent crimes are entitled to free legal advice [J1, J3-J6, P4, P5, S1-S3, L1-L5]. 4 practitioners stated that it depends on the victim's income and that only victims with low incomes are entitled to free legal advice [J1, J6, S1, L4]. J1 adds that all victims of severe violence and sexual crime are entitled to free legal advice independent of their income. Others observed that services provided by organisations such as Victim Support the Netherlands (which may include legal advice) are also free [J5, S2, S3]. A number of interviewed practitioners did not know which categories of victims are entitled to free legal advice [P1-P3, S4, S5].

²¹ NL/S/05 "Slachtoffers worden geïnformeerd, maar de manier waarop werkt niet. Als een slachtoffer een brief ontvangt, is zij of hij vaak gestrest. De boodschap komt niet binnen. Er zou een specifiek loket moeten zijn waar de politie en het OM naar kunnen verwijzen. Elk slachtoffer zou een mentor moeten krijgen. Slachtoffers hebben de neiging om dingen te vergeten en hun kennis over het proces is vaak gebrekkig."

3.2 Views of victims

3.2.1 Were the interviewees in contact with an organisation providing victim support services (Question V 3.1)?

All 12 interviewees were in contact with an organisation providing victim support services. Most were in contact with Victim Support the Netherlands [V1-V8, V10, V12]. Two interviewees had contact with an organisation supporting victims of domestic violence [V9, V11]. V4 denied having any contact with an organisation providing victim support but later indicated that he received some aid from such an organisation.

3.2.2 Those who were, how did they know about the service (Question V 3.2)?

10 out of 12 interviewees were informed by the police about support services [V1, V3, V5-V12]. V2 said he was not informed by the police but that his partner knew about Victim Support the Netherlands. V4 was contacted by Victim Support the Netherlands after leaving prison. V11 contacted Victim Support the Netherlands but was turned down. She later found a support organisation specialized in offering services to victims of domestic violence.

“Victim’s Support the Netherlands missed the boat completely. The police told me they have to help you, but they don’t. I called them myself and begged them to come. Especially to give my parents a better feeling about the situation. He threatened my parents as well. But they just tell you ‘no, we can’t come until the perpetrator is convicted’.” [NLV/11]²²

3.2.3 Those interviewees who were in contact with an organisation providing support services, how did they assess the services provided (Question V 3.3)?

10 out of 12 interviewees were generally positive about the services provided [V1-V8, V10, V11]. V11 however mentioned to be deeply disappointed by Victim Support the Netherlands before she was helped out well by another organisation and V6 explained that he did not feel like he was taken seriously in first instance.

There is a clear difference between victims of domestic violence and victims of other kinds of violence. In cases not involving domestic violence, victims expressed to be satisfied with Victim Support the Netherlands which - in all cases - overwhelmingly concerned the practical support that was offered to them during the proceedings. Emotional or social support was only named by these victims as a reason not to make use of the services of this organisation. The initial impression that victim support was limited to emotional support (which they did not find necessary) meant that they were positively surprised when they found out that Victim Support the Netherlands also offered practical help. It could therefore be assumed that these victims were not in need for emotional support, did not think they needed any, or looked for that kind of help elsewhere [V1-V8].

In contrast, victims of domestic violence were only partly satisfied with the help and support provided to them [V9-V12]. Also, their needs seem to diverge from what was brought forward by the other victims.

V10 for example is positive about the support services of Victim Support the Netherlands, because she felt helped, in practical matters such as housing, and felt listened to. She felt understood and it was pleasant that, even though the case was dismissed, the professionals of this service still believed her. This implies that she was in need of both practical and emotional support, with the support giving her the recognition the court case could not provide

²² NLV/11 *“Slachtofferhulp Nederland slaat de plank helemaal mis. Volgens de politie moet slachtofferhulp je helpen, maar dat doen ze niet. Ik heb ze zelf gebeld en heb ze bijna gesmeekt om thuis te komen. Om mijn ouders een beter gevoel te kunnen geven in deze situatie. Want hij heeft ook mijn ouders nog bedreigd. Maar ze zeggen gewoon ‘nee, we kunnen pas wat doen als er een veroordeling is’. De politie zegt dat Slachtofferhulp gewoon wél moet komen. Maar ik heb daar geen enkele ondersteuning in gehad. Terwijl zij de specialisten hebben. (...) Als ze de eerste week gewoon gekomen waren, dan had dat heel veel rust gegeven. Gewoon de informatievoorziening.”*

The written report Victim Support the Netherlands drew up was complete and correct (as opposed to the written report filed by the police, she claims). V11 however was disappointed by Victim Support the Netherlands since the service led her to believe they were not able to help her in any way. At the same time, she is positive about her experiences with Stichting Zijweg, a specialized support service provider for victims of domestic violence, because of the support organization's knowledge about the steps to take during criminal court processes.

"I ended up at the website of Stichting Zijweg via Google. I wrote to them for a job application actually, not to obtain any kind of help. But they did (provide her with information). Especially legal information etcetera. Their knowledge is extensive. Knowledge is power, so it does help, although by that time I already found most of the information myself. Though no-one can help you overcome fear, I'm the only one who can."
[NL/V/11]²³

An additional positive aspect about the services provided by this organization lies in the fact that the women working there are fellow victims who use their experience of victimization to help other victims. Again, this victim displays a combined need for practical help and emotional support or recognition.

This experience of professionals not being able to help the victim is shared by V9. She claims that the situation was dangerous to such an extent, that a support organization (in her case social work, as victim support was not involved in this case) cannot really help, in her experience. She states that a victim needs a lot of protection on all fronts in these cases.

The approach taken by the Safe Home organizations ("Veilig Thuis" domestic violence support service including youth care service) is not a solution, as they may provide access to a safe house. Moving to a safehouse would be too much of an interruption for the daily life of me and my children. I have been in a safe house with my children and experienced this as very disturbing. Ideally, I would have liked to have a coach or direct case worker who oversees the situation and intervenes when necessary.[NL/V/09]²⁴

V12 was contacted by a person working at Victim Support the Netherlands by telephone. She experienced the conversation they had (by phone) as pleasant: the person was kind and understanding. However, she had expected that the organization would keep in touch with her as the case proceeded. This did not happen: after the first telephone call, she was not contacted again. She indicates that it would have been helpful to receive some information about the rules and rights (for example her right to attend in court) later in the course of the proceedings. At some point, the interviewee decided to contact the Victim Information Counter (*Slachtofferloket*) herself to request some advice about her written statement. This interviewee was deeply disappointed by the lack of follow-up by Victim Support the Netherlands.

It can therefore be concluded that the victims of forms of violence other than domestic violence positively assess the support services provided, whereas in cases of domestic violence, victims are more critical and less pleased about the help and information offered to them. This is partly due to differing needs and expectations: victims of domestic violence express a much more explicit need for emotional support and recognition on the one hand, but on the other hand victims mainly want to find a way out of a violent relationship. Victims of domestic violence expect the support services to be able to help them with the practical and emotional support they need and are disappointed

²³ NL/V/11 "Ik kwam uiteindelijk terecht op de website van Stichting Zijweg via Google. Ik schreef eigenlijk op een functie, niet omdat ik hulp wilde. Maar ze hebben het me wel gegeven. Specifiek juridische informatie etcetera. Zij hebben uitgebreide kennis op dit gebied. Kennis is macht, dus natuurlijk helpt dat, hoewel ik op dat moment de meeste informatie zelf al gevonden had. Hoewel niemand je kan helpen met angst overkomen, dat kun je alleen zelf doen."

²⁴ NL/V/09 "De werkwijze die wordt gekozen bij de Veilig Thuis-organisaties is geen oplossing voor het probleem, hoewel ze toegang tot een safe house kunnen regelen. Naar een safe house verhuizen verstoort het dagelijks leven van mij en mijn kinderen te veel. Ik ben daar al een keer geweest en mijn kinderen hebben dit als heel verontrustend ervaren. Ideaal gesproken zou ik een coach of een case-worker willen hebben die de situatie overziet en ingrijpt wanneer dat nodig is."

when it turns out they cannot be helped according to their needs. Victims of other forms of violence seem to have other expectations: they expect in first instance to be offered only emotional support and are at the end also supported with practical, juridical information which they did not anticipate. This might be the reason for their relatively positive evaluation of the support services.

3.2.4 Those interviewees who were in contact with an organisation providing support services, did they feel that the services provided encouraged and helped them to participate in the proceedings (V 3.4)?

Seven interviewees stated that the organisation providing support services did not change their involvement in the proceedings [V1-V5, V10, V11]. V6 and V8 were encouraged to get more involved by a supporting organisation. V7 and V12 were advised not to become too involved in the proceedings and to not be present at the trial. They were, however, supported in producing written statements which were read out loud during the trial.

3.2.5 In cases of domestic violence ('D'), were the interviewees supported in overcoming the risk of repeat victimisation (Question V 3.5)?

Two victims of domestic violence indicated that the support they received helped them overcome the risk of repeat victimisation [V9, V10], although V10 expressed that the deep fear she experienced came only months after her contact with Victim Support the Netherlands and that she was helped by an independent therapist which she contacted herself.

V9 explained that as a victim, you experience a kind of doubt about whether the situation is going to repeat itself. Victim Support the Netherlands was able to take away part of this doubt, by being able to persist her in keeping away from the perpetrator. She adds:

"Victims of domestic violence stretch their limits over time: they soften and justify the abusive behaviour of their partner for often quite a long time. (...) Despite all the harm that is done to you, there always remains a small bit of love, which creates doubt of whether or not to persist in pressing charges and leaving him. [NL/V/09]²⁵

The victim emphasized the importance of professionals convincing her not to be 'pulled back in': in her case, even her lawyer was very helpful in keeping out of reach of the offender.

V11 was supported by a therapist not connected to any victim support organisation. She is still at risk of becoming victim and believes that nobody can really help her. She feels that she needs to do it by herself. However, the police is involved in minimizing the risk by means of the aware system, of the surveillance around home and school of the child, and of the address registration for quick action.

V12 did not fear repeat victimisation and did not ask for such support.

3.2.6 When being interviewed by the police, were the interviewed victims accompanied by a support person of their trust? Were the interviewees informed beforehand that they would be entitled to such assistance (Question V 3.6)?

Three interviewees were not accompanied by a person of trust during the police interview [V9, V10, V12]. V11 was accompanied by her father. Three interviewees were not informed about the right to be accompanied by a person of trust during the police interview [V10-V12]. V9 was informed about this right by the court.

²⁵ NL/V/09 "Slachtoffers van huiselijk geweld verleggen hun grenzen door de tijd heen: ze verzachten en verantwoorden het gewelddadige gedrag van hun partner vaak een hele tijd. (...) Ondanks alles wat je is aangedaan, blijft er toch altijd een beetje liefde voor hem bestaan, waardoor je je toch afvraagt of je door moet zetten met aangifte doen en hem verlaten."

3.2.7 At the court trial, were the interviewees accompanied by a support person of their trust? Were the interviewees informed beforehand that they would be entitled to such assistance (Question V 3.7)?

7 out of 12 interviewees did not attend trial [V1, V2, V5, V7, V8, V10, V12]. , these numbers include cases of the victims [V2, V11] who had no court trial. A person from Victim Support the Netherlands read V2's victim statement during the trial. V5, who also did not attend trial, but her husband attended the trial without having any specific role in it. He was not supported by a person of trust.

5 interviewees attended trial but were not assisted by a person of trust [V3, V4, V6, V8, V9]. Therefore none of the interviewees were accompanied by a person of trust at their trial. 3 interviewees [V1, V2, V5] had been informed of this right, 2 of them by the Public Prosecution Service and 1 by an unidentified source. 8 victims were not informed of their right to be accompanied by a person of trust during their trial [V3, V4, V7-V12].

3.2.8 When being interviewed by the police, were the victims accompanied or advised beforehand by a lawyer? Were the interviewees informed beforehand that they would be entitled to such assistance or advice (Question V 3.8)?

Only V11 was assisted by a lawyer. V4 was assisted by a lawyer but this was because at the time the police treated him as a suspect. The other interviewees were not assisted by a lawyer [V1-V3, V5-V10, V12]. Only V11 was informed beforehand, by her legal insurance. V4, the interviewee who was treated as a suspect, was informed by the police. The others were not informed that they were entitled to the assistance of a lawyer [V1-V3, V5-V10, V12].

3.2.9 During the court trial, were the interviewees accompanied or advised by a lawyer? Were the interviewees informed beforehand that they would be entitled to such assistance or advice (Question V 3.9)?

5 out of 12 interviewees did not attend trial [V1, V5 V7, V10, V12]. 3 interviewees were assisted by a lawyer during trial [V2, V8, V11]; 3 were not [V3, V6, V9]. V4 was only assisted by a lawyer when he was seen as a suspect. No information was available for one interviewee [V10].

8 interviewees were informed about the right to be accompanied and advised by a lawyer during the court trial [V1, V2, V4, V7-V9, V11, V12]. At the time, V4 was a suspect and was informed by the police. 4 victims were informed by their legal insurance [V7, V8, V11, V12]. V5 was informed by the Public Prosecution Service. V1 and V2 were informed by Victim Support the Netherlands, while V9 was informed by her lawyer. Three interviewees were not informed of this right [V3, V5, V6], while there was no information available for V10.

b) Information

3.3 Views of practitioners

3.3.1 In the view of the interviewed practitioners, how reliably, comprehensively and effectively are victims provided information about their potential role and their rights in proceedings, when they are first in contact with an authority, such as -in particular- the police (Question Pr 3.10)?

Judges / public prosecutors

The majority (5/6) of the public prosecutors and judges had no answer to this question since they are not involved in this stage of the proceedings [J1-J4, J6]. J5 claims victims of sexual crimes are generally well informed. J1 and J3 explicitly mention this should be done since it is part of the procedure.

Police

Three police officers [P1-P3] state that the information should be and is being provided, but add that its quality always depends on individual officers [P2, P3] and the severity of the crime; police officers, for example, will invest more effort when a child is involved [P2]. P4 and P5 state that victims are being informed. P2, however, estimates that only in 20% of cases are victims effectively and comprehensively informed about their rights and potential role in proceedings upon first contact with the police, which he states is insufficient. The information is provided orally and sometimes in a leaflet, but until now there was nothing to provide relevant information in a clear and concise format [P1]. P1, P3 and P5 all referred to an official campaign launched on 3 April 2017 to raise awareness for victims' rights and improve working methods. Victims, for example, will now receive the declaration of rights that provides detailed information on their role and rights [P1]. This method still needs to be improved and implemented throughout the national police and will be evaluated in September 2017 [P3]. The general impression is that the police are partly satisfied about informing victims in a reliable, comprehensive and effective way about their potential role and rights in proceedings as it has been done in the past up until now, but see room and opportunities for improvement, as the information provided was often fragmented and dependent on the individual officer.

"It should be the case that a victim is told what it means for him if he files a report, or even merely notifies the police. This does happen in general, because it is part of the protocol of filing a report. (...) It currently happens orally and sometimes with a leaflet, but up until this moment, there was nothing that provided all information in a compact and clear manner." [NL/P/01]²⁶

"Until recently the information provided was fragmented and highly dependent on the individual officer. A clear obligation and regulation has been formulated now, so more effort is being paid in informing victims in a comprehensive and effective manner." [NL/P/03]²⁷

The interviewees believe that the police are getting increasingly better at informing people on their possibilities and keeping them informed on their case and are predominantly optimistic regarding the possibilities for improvement with respect to the implementation of the aforementioned 'declaration of rights'.

Victim support services

How reliably, comprehensively and effectively victims are provided with information about their potential role and their rights in proceedings upon first contact with the authorities depends on the situation and the individual officer, and therefore varies greatly per case [S1, S3]. There remains a battle to be won in the provision of information to victims by the police as well as by the Public Prosecution Service. Victims who arrive at Victim Support the Netherlands never already know their rights unless it is someone who happens to have knowledge of criminal law [S1]. S2 and S4 state that victims are generally not well informed.

S4, who mainly deals with crisis situations related to domestic violence, states that in these situations it is of no use to inform victims of their rights and potential role; it is simply not relevant and will not be heard.

"I mostly deal with crisis situations (DV), in which emergency beds need to be arranged: matters that require a quick assessment of safety and rapid action. In these situations, it is of no use to inform victims of their rights and potential role, it is simply not relevant and will not be heard. At most, an officer can say:

²⁶ NL/P/01 *"Het zou zo moeten zijn dat aan het slachtoffer uitgelegd wordt wat het betekent als hij een aangifte doet, of überhaupt de politie op de hoogte brengt. Dit gebeurt over het algemeen wel, omdat het onderdeel van het protocol van aangifte doen is. (...) Op dit moment gebeurt dat mondeling, soms met een foldertje, maar er was tot nu toe niks waardoor de informatie op een duidelijke, compacte verstrekt werd."*

²⁷ NL/P/03 *"Tot voor kort was de verstrekte informatie gefragmenteerd en heel erg afhankelijk van de individuele agent. Nu is er een duidelijke verplichting en regelgeving vastgelegd, dus wordt er meer moeite gedaan om slachtoffers om een begrijpelijke en effectieve manier te informeren."*

“okay, this is not important for now, but later we will inform you about the part you can play in the case proceedings”. But I doubt whether that really happens in practice.” [NL/S/04]²⁸

Since April 2017, a brochure given to all victims clearly explains their rights and potential role in proceedings. Prior to this, victims being informed largely depended on individual police officers. S2 however states he has not yet seen these brochures in other languages than Dutch. In a pilot in Limburg province took place past year, in which individual needs with respect to information, support and help were assessed during the first contact of victims with authority by means of a questionnaire, in order to provide every individual with the support needed. This pilot was evaluated very positively by the police as well as victims and should be implemented nationally, according to S2. The Netherlands according to him still needs to make major improvements in the process of individual assessments to counter a standardized approach in which specific needs of the individual are being overlooked and make the provided information about the victims' potential role and their rights in proceedings more reliable, comprehensive and effective [S2].

Lawyers

The views of lawyers on how the authorities provide information to victims vary tremendously. Some claim the information provided is incomplete [L1, L3, L5] and differs per officer, per bureau, and per region [L5]. L3 claims victims are not well informed, except when their case is handled by specialized teams, e.g. for sexual crimes. Her impression is that victims are being informed too hastily. This impression is verified in the number of victims who find their way to a lawyer. Although it could be a conscious decision, she is convinced that most victims are not well-informed and do not use their rights to the fullest extent possible. L4 doubts that the victim's potential role and rights in the proceedings is a focus of the first contact. Victims are informed that once they have filed the report, it is no longer up to them to decide whether there will be a prosecution; information on their rights and role in further proceedings are probably addressed at another time. L4 believes this information is provided in the letter sent by the public prosecutor, in which the victim is notified that prosecution will take place.

L2 voices an opinion contrary to the rest of the group and states that although she is not present in these situations, she is under the impression that most victims are being extensively informed. Nevertheless, she doubts whether victims are being informed on all aspects of the procedure. In her experience, the way police inform victims often seems like they are discouraging victims from reporting. Emphasizing that the process (for example trial and questioning by the judge) can be stressful is sometimes perceived by victims as “please don't report, because this is not going to be a pleasant experience”. According to L2, this also applies to more serious crimes.

Conclusion

Although they are privy to different kinds of information – police officers for example know first-hand what happens within their organisation, whereas lawyers and victim support practitioners only see the results of information provision in the person of their clients – the various professional groups do not significantly differ in their assessments. Overall, the impression of practitioners is that victims upon their first contact with the authorities are not generally provided with full and reliable information. Too much depends on the individual police officer, on the nature of the case, and perhaps even on the victim. Although some information is certainly provided, it is not seen as complete and does not necessarily relate to the role of the victim in the subsequent procedure. All practitioners thus agree with the statement that information provision needs to be improved.

²⁸ NL/S/04 *“Meestal heb ik te maken met crisissituaties, waarin noodbedden moeten worden geregeld: dingen die een snelle inschatting van de (on)veiligheid van een situatie vragen en snelle actie. In deze situaties heeft het geen zin om slachtoffers te informeren over hun mogelijke rol, het is simpelweg niet relevant en wordt niet gehoord. Hoogstens kan een agent zeggen ‘ok, dit is niet belangrijk nu, maar we zullen je later informeren over de rol die je kan spelen in het proces. Maar ik vraag me af of dat ooit gebeurt.”*

Interestingly, practitioners do not see this as solely a matter of procedures and priorities. There is some disagreement on the relevance and feasibility of providing victims with full information on their rights. Not all information is thought to be immediately relevant, while there is concern that victims might not be able to process it all at this point in time.

“The rights of victims should be automatically put into action during the proceedings. Victims should not have to invoke their rights, because most are so stressed at the police station when reporting, that they won’t remember anything- they forget about their rights. Therefore, during each case, a lawyer should inform the victim about his or her rights in a quiet environment, without stress. In this way the victim can cope with information provided.” [NL/S/05]²⁹

On the other hand, some practitioners think the police should not worry too much about overloading the victim and simply provide the information.

Both police officers and support service practitioners refer to the victim rights campaign of the police, launched in April 2017. As this campaign includes written information in the form of a flyer, it may go some way towards standardizing information provision to victims upon first contact with the police.

- 3.3.2 Are victims later informed about any significant progress of the proceedings and their potential role in various phases of the proceedings? If yes, on which occasions (Question Pr 3.11)?

Judges / public prosecutors

All public prosecutors and judges state that victims should be informed, especially since it is now established in the new directive [J5]. In more serious cases, a case coordinator keeps victims up to date and informs victims about the proceedings. But in less serious cases, the responsibility to remain informed lies primarily with the victim [J1]. One needs to be explicit in one’s wish to be kept informed and needs to be active in asking for information [J1, J2]. Victims are asked whether they wish to be kept up to date by the police [J3] and receive letters from the Public Prosecution Service asking whether they wish to be informed of developments in the case. Only when they respond in the affirmative will victims be informed of all relevant steps, either by the public prosecution or by a victim support organisation [J1-J3]. But this does not always happen sufficiently, or in a timely manner; mistakes occur [J1, J4, J6]. Nevertheless, procedures are generally followed: victims are notified about court trial dates and when the public prosecutor discontinues a case, and receive forms that enable them to join the process [J2, J3, J5]. J2 and J3 state that there are clear rules and that they have no reason to believe they are not followed, except in the case of incidental mistakes.

Police

The police interviewees generally have a clear view of the stage of the proceedings when they conduct their investigation, but hardly reflect on the situation after the case has been handed to the Public Prosecution Service (although P2 and P3 state that it is the responsibility of the public prosecutor, and not the police, to then provide information to victims). P2 believes victims are often no longer informed after a case has been sent to the public prosecution for an accelerated procedure (*ZSM procedure*), when the police are no longer kept informed on the

²⁹ NL/S/05 *“De rechten van slachtoffers zouden automatisch geactiveerd moeten worden in het proces. Het zou niet zo moeten zijn dat slachtoffers nog alert zouden moeten zijn om die rechten te claimen, omdat de meesten zo gestresst zijn wanneer ze aangifte doen op het bureau, dat ze zich niks zullen herinneren- ze vergeten hun rechten. Daarom zou er bij iedere zaak een advocaat moeten zijn die het slachtoffer informeert, in een rustige setting, zonder stress. Zo kan het slachtoffer de informatie verwerken.”*

progress of the case. There are clear police guidelines for when victims who filed a report must be called and informed. Victims can choose whether or not to be kept updated [P1]. If victims indicate that they want to remain updated, this will indeed happen, at least regarding the police investigation. Information will be provided if there are interim results, such as the apprehension of a suspect [P1-P5]. The victim also always receives an end report, containing for instance a notification that the police will not pursue the case [P1-P3, P5]. The police are obliged to inform the victim when the suspect has been interviewed, but will also inform the victim if they learn about the release of the suspect/offender [P3]. In practice it will not happen in 100% of the cases, but interviewees assert that the provision of information is improving [P1, P3, P4].

Victims of high impact crimes such as house robberies and serious violence receive an update by telephone within two weeks [P2, P3]. Contrary to the other opinions voiced, P2 states that victims of severe crimes are regularly updated on the progression of the case and about their rights and potential role in the proceedings. But this does not happen in smaller cases [P2].

Victim support services

All support service interviewees agree that the provision of information to victims about significant progress and their role in the proceedings is insufficient. Most victims are not well informed and major improvements still need to be made.

S1 states that victims who are backed by a lawyer or by Victim Support the Netherlands are most certainly informed about their potential role in various phases of the proceedings, either by the lawyer or by Victim Support. Letters from the Public Prosecution Service sent to the victims contain information about victim rights as well, but not everyone will be able to understand the terminology used in these letters. These standardized letters are also sent to provide victims about the progress of their case and contain practical information (such as times and dates and progress of the case).

S3 points out that the police are a very large institution. It does not change rapidly and may be over-burdened. Despite good intentions, police officers forget to do things that are not yet part of their routines, such as providing information [S3]. Regarding the Public Prosecution Service, victims receive a request form on which they can indicate whether they want to stay informed. Victims will then be informed in writing about the procedure, possible court dates and the ruling of the court [S1]. In case of certain serious offences, victims may use the form to request a meeting with the public prosecutor. It is up to public prosecutors to decide whether they have time to cooperate. During this meeting the public prosecutor will explain the process and the role of the victim [S1].

All interviewees from this group state that much can be improved on the operational and logistic level of keeping victims informed. Not all victims are entered in the administration, so not all victims receive information. The information is sometimes incorrect, while certain information (such as a court date, release of the offender, information on the final judgement and whether an appeal is possible) is not communicated in a timely manner or is not understood [S1, S2, S4]. When case files are not being handled, victims may not hear any news during the proceedings [S1].

Besides the police and the Public Prosecution Service, S2 points out that victims can call the Victim Information Counter (*Slachtofferloket*), which he believes is well known. The Victim Information Counter (*slachtofferloket*) is a partnership between Victim Support Netherlands, the National Police and the Public Prosecution Service. Each organisation keeps its own responsibility inside the this partnership. There are 11 victim counters in the Netherlands. They are housed in the court buildings. They have been created so victims do not need to contact the three organisations separately. Victim Support the Netherlands informs victims of this possibility upon first contact; S2 states it provides people with useful information. Victims, however, must actively monitor the progress of the proceedings to keep informed. Victim Support the Netherlands is not informed about the date of trials, so it cannot help victims in this respect [S2].

In short, the general impression of the support services is that the current system contains plenty of opportunities for victims to stay informed about significant progress in the proceedings and of their potential role in various phases of the proceedings. However, not all of these opportunities are perfectly attuned to the needs and experience of the victims, leading to great variety in the extent to which victims are in fact informed. As some of these procedures are still improved and developed, some interviewees see the current situation as a transitory phase on the way to a more effective system. This is expressed by the following quote:

"It takes time for all those beautiful rules and rights to be put into practice. It is not possible to make it happen overnight." [NL/S/03]³⁰

Lawyers

The group of lawyers is generally very critical of the information provided to victims. Victims are updated about progress in the case only when the lawyer actively and persistently seeks this information [L3]. The main criticism concerns the standardised communication to victims, which is difficult to understand, not clear in its relevance, and not timely enough [L1]. L1 adds:

"Even for a lawyer it is sometimes not clear what a specific letter is about. Some of the information concerning the case and the time limits for victims' involvement is even incorrect – for example regarding deadlines provided which are not in line with the legal requirements." [NL/L/01]³¹

L2 states that victims are only well informed after the case is closed. Before then, the information is often unclear and insufficient. L2 emphasizes that information requests before trial are unwelcome and perceived as interference in the research. L4 is nevertheless under the impression that when a victim is known by the public prosecutor, he/she will be informed on important steps/decisions in the process, although not very proactively.

In bigger cases, a case coordinator is appointed. L3 is very positive about this and says this method works very well to safeguard accessibility and to provide information. The case coordinator fulfils the role of secretary and is familiar with the lawyers, thus facilitating the flow of information. In smaller cases, the information provided depends on the energy invested by the lawyer to extract it from the Public Prosecution Service [L3].

Conclusion

There is a great deal of disagreement among practitioners on the question of information provision during various phases of the procedure, both between and within professional groups.

All interviewees are aware that victims should be informed, although there is some disagreement on who should do the informing (police or public prosecution). On the question of whether victims are actually informed, there is a clear difference between the institutional perspectives of police, public prosecution and judges, and the victim perspectives of victim support organisations and lawyers. Overall, this can be seen as a difference in perspective whereby those representing public authorities think or claim that information is routinely shared, even though mistakes are made; and those representing victims who claim that there are significant problems with information provision during procedures. The lawyers are notably the most critical group, while support organisations are more understanding of the difficulties in carrying out all procedures to the letter, as should be expected.

The group of public prosecutors emphasizes the important fact that victims must decide and communicate whether they actually want to receive information. This is confirmed by the victim support organisations. Aside from the actual provision of information (whether or not this takes place), the quality of information is criticized by lawyers and victim support organisations, a theme not directly mentioned by the police officers, judges and public prosecutors. The information is thought to be too difficult to understand, at times incorrect, and overall, not helpful

³⁰ NL/S/03 "Het heeft tijd nodig voordat al die mooie wetten en regels in praktijk worden gebracht. Dat gaat niet over een nacht ijs."

³¹ NL/L/01 "Soms is het zelfs voor een advocaat niet duidelijk waar de brief precies over gaat. Een deel van de informatie met betrekking tot de zaak en de tijdslijmet die gesteld wordt aan de bijdrage van het slachtoffer is zelfs onjuist- bijvoorbeeld bepaalde deadlines die gesteld worden zijn niet overeenkomstig de wettelijke bepalingen."

to victims. This issue escapes the attention of the institutional interviewees, raising questions about their awareness of the actual information sent out.

- 3.4 How do the interviewed practitioners assess victims' possibilities of having access to the case file either personally or through a legal representative (Question Pr 3.12)?

Judges / public prosecutors

Victims have the right to access their case file, according to the entire group of judges/public prosecutors. However, victims do not often request to see their file and might therefore not be aware of this right [J6]. If victims ask to access their file, this is usually done via a legal representative [J4-J6]. However, access can be postponed in the name of protecting constitutional law, the offender, or the investigation/trial [J1]. For example, when the privacy of the offender is at stake (psychological analysis) [J1, J3, J6]; when access can damage the investigation (in case of sexual crimes where victims are heard several times over a longer period to assess the credibility of the claim) [J5]; when the victim still needs to testify as a witness [J3, J4]; or when revenge by the victim is feared [J3].

Police

According to the police, a legal representative is entitled to receive all case files. But in practice, many victims do not have this access [P1, P2] while access by the victim is not always desirable [P4]. Requests are usually granted, except in sexual crime cases where a victim's statement counts as evidence [P5]. P2 adds that it would be good to ask victims if it would help them to have access to their case files, except when there are indications that they might use the information for vigilantism. On the national level, a so-called victims journal is being developed that includes a report-following system (*aangiftevolsysteem*). This system contains a victim portal which covers the entire criminal law chain. Victims currently have limited access to their files (information on progress in their case but not the content) and can only ask for more information via a laborious and time-consuming "access request" (*inzageverzoek*) [P3].

Victim support services

While victims have a legal right to access their complete file, in practice this is complicated. Many victims are not informed about this possibility and therefore very few have access to their files [S1]. Access is only possible when victims know exactly which steps to take (writing a letter referring to the laws concerning this specific right) [S2]. Victims may request the public prosecutor to access their case file, but this is up to the prosecutor who also has discretion over which parts of the file are shared [S1, S2]. With a legal advisor or lawyer present, gaining access is much easier [S2, S3, S5]. S3 emphasizes that support services have difficulties accessing files without a lawyer to back up the request. Nevertheless, S3 believes accessibility is improving. Given the absence of a national protocol for the Public Prosecution Service, not all prosecutors are well informed [S2]. Victims calling the Victim Information Counter generally do not manage to gain access to their files on their own [S2].

Lawyers

According to the lawyers, victims should have access to their file, but in practice this is only possible via a lawyer [L1, L3-L5]. Victims who request access to their files without legal representation usually fail [L5]. L1 states that "access to case files is bureaucratic, incomplete and takes a long time to attain". L3 claims that "accessibility for victims to their case file is lousy and is still in need of major improvements". Access can be refused on several grounds, which L2 and L3 think are used too often and too lightly. Some requests are rejected as it is in the interests of the research to not make information public. Most of the time the Public Prosecution Service claims access is only possible later. This, according to L2, keeps lawyers from protesting the decision as access is not rejected but only postponed. L2 blames the Public Prosecution Service for withholding information; most claims about "affecting the investigation" are unfair and are too easily made. This has far-reaching consequences for the situation of victims in the trial, as explained by one of the interviewees:

“If victims are heard for a second time and are being confronted with unpleasant information unprepared, because of their lack of knowledge about the case, the risk on secondary victimization also increases, which is very problematic.” [NL/L/03]³²

Conclusion

There is considerable agreement among the interviewees, across the professional groups, on both the formal rules and actual reality of victims accessing their case files. Almost all interviewees are aware that victims can request access to their files through the Public Prosecution Service, and that this access can be refused on specific grounds, the most important of which is risk of affecting the investigation. Most interviewees agree that it is very difficult for victims to access the file without a legal representative, as the procedures are complicated and requests are often rejected. According to the judges and public prosecutors, few requests are filed, seemingly contradicting the impression of lawyers who complain that requests are often rejected. The main further disagreement is also between these groups, with lawyers thinking that the Public Prosecution Service rejects requests too easily, including for cases where access to the file should be justified, and police and public prosecutors emphasizing the risks associated with accessing the file. Finally, police officers are the only group who refer to the new report-following system, which will improve access to information for victims. It is surprising that not even the victim support services refer to this system.

3.5 Views of victims

- 3.5.1 When the interviewees first came into contact with the police, were they informed about
- a. their potential role and their rights in proceedings and
 - b. how they can access an appropriate support service (Question V 3.10)?

8 interviewees were informed by the police upon first contact on how to access the appropriate support service [V1, V3, V5, V7-V10, V12]; 4 interviewees were not [V2, V4, V6, V11]. Several victims stated the police made them aware about the existence of Victim Support the Netherlands, but did not inform them about the nature of the help that could be offered. This created a misunderstanding since some of them declined help of the service in the first place, based on the assumption that the service only offered emotional support. V5 states:

“At the police, I turned down immediately the offer of support from Victim Support, since she was prejudged about what they had to offer.” NL/V/05³³

Based on the interviewees answers, it could be stated that the police in general do not inform the victims about the nature of the help that can be provided by the support services. Many victims are therefore unaware of legal advice or support that Victim Support the Netherlands can offer. A clear majority of the interviewees said not to be informed by the police about their rights and potential role in the proceedings. [V2-V12]. V1 however, stated she was directly informed about her potential role and their rights in proceedings when she reported to the police.

³² NL/L/03 *“Als slachtoffers voor een tweede keer gehoord worden en dan onvoorbereid geconfronteerd worden met vervelende informatie, omdat ze te weinig van de zaak af weten, dan verhoog je de kans op secundair slachtofferschap, en dat is heel problematisch.”*

³³ NL/V/05 *“Bij de politie heb ik het aanbod voor hulp van Slachtofferhulp meteen afgeslagen, omdat ik bevooroordeeld was over wat ze te bieden hadden.”*

3.5.2 Were interviewees continuously updated on how the case developed and on their potential role and relevant rights over the course of the proceedings (Question V 3.11)?

Only 1 interviewee indicated that he was sufficiently informed about how the case developed and about his role and rights during the proceedings [V1]. 3 interviewees were not updated about the proceedings at all [V2, V4, V11]. V4 received information only after repeated requests. 8 interviewees indicated that they were insufficiently informed [V3, V5-V10, V12].

3.5.3 Did interviewees, either personally or through a legal representative, have access to the case file? If yes, at which stages of the proceedings (Question V 3.12)?

2 interviewees had access to their case files [V2, V7], 1 through his lawyer [V2]. Neither indicated at which stage of the proceedings they gained access to their files. The other 10 victims had no access [V1, V3-V5, V8-V12], although V8 received a copy of the report to the police. V12 asked for access by telephone but was told by the police that it was not possible.

c) General assessment

3.6 Views of practitioners

3.6.1 To what extent have the interviewed practitioners, divided by professional groups, agreed with the following statements (Question Pr 3.13)?

3.3.4.1. More needs to be done to ensure that all victims have access to appropriate support services.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
S	0	2	1	0	2	5
P	1	1	3	0	0	5
J	0	1	4	0	1	6
L	1	3	1	0	0	5
3.3.4.2. Considering that victims, in criminal proceedings, mainly perform the role of witnesses, already too much is done to strengthen their position in criminal proceedings.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
S	0	0	2	2	1	5
P	0	0	5	0	0	5
J	0	0	3	0	3	6
L	0	0	3	2	0	5
3.3.4.3. More needs to be done to ensure that victims are informed in an	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL

effective manner about the proceedings and their potential role in them.						
S	1	4	0	0	0	5
P	0	3	2	0	0	5
J	0	1	3	0	2	6
L	3	1	1	0	0	5
3.3.4.4. Not much further action needs to be taken to improve the standing of victims in criminal justice proceedings as a lot has already been done in recent years.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
S	0	0	4	0	1	5
P	0	2	2	0	1	5
J	0	3	1	0	2	6
L	0	0	2	1	2	5

Overall, these questions reveal the divide that we encountered in the more qualitative data above: namely, that between the views of authorities (police, public prosecution and judges) and practitioners involved with victims' (legal) support (lawyers and victim support organisations).

The majority of lawyers and support service interviewees with an opinion on the matter (strongly) agree with the statement that more needs to be done to ensure that victims have access to appropriate support services (3.3.4.1), while police, judges and public prosecutors largely disagree. The statement that more needs to be done to ensure that victims are informed in an effective manner about the proceedings (3.3.4.3) is confirmed by lawyers and victim support services, but rejected by public prosecutors and judges; police officers are more ambiguous. For the statement that not much further action needs to be taken to improve the standing of victims in criminal justice proceedings as a lot has already been done in recent years (3.3.4.4), we see the same distribution as for the first statement, though now it is the other way around with police, prosecution and judges agreeing and victim support services and lawyers disagreeing with the statement. While all interviewees disagreed with the statement that already too much is being done to strengthen the position of victims in criminal proceedings, as they mainly perform the role of witnesses (3.3.4.2), this could signal disagreement with either part of the statement. It has been expressed by several practitioners that the fact that a lot has been done in recent years, does not mean that no further action should be taken, on the contrary: many of them voice the opinion that newly installed rules and regulations should now be put into practice by all institutes and practitioners in the field.

Analysing the "don't know" answer category also provides insight. It is notable that two support organisation representatives do not know whether they agree or disagree with the question whether victims have sufficient access to support services, while three prosecutors/judges are unclear about their position on the role of victims in criminal proceedings. These are the questions that pertain most directly to their professional group, yet (or because of this) they find it difficult to answer these questions. So there is a lack of a clear understanding of how the victim should be seen and how their own profession should, consequently, be seen in relation to victims. The last

statement – implying that too much is already done to improve the position of victims – is answered most often with “don’t know”. This may be due to the statement consisting of two parts, whereby practitioners may agree that a lot has been done over the past years, but do not agree that not much further action needs to be taken. Furthermore, some practitioners saw no need for new rules, but emphasised that all new rules and regulations (concerning different aspects of the legal proceedings) need to be put into practice.

Considering this distribution, we can conclude that the views are distributed according to professional experience. It is not surprising that those working directly with and for victims are more critical of the current situation, while those in an institutional context of authority are more positive about what is already being done.

3.6.2 To what extent did the interviewed victims agree with the following statements (Question V 3.14)?

	Strongly agree	Rather agree	Rather disagree	Strongly disagree	Don't know	TOTAL
3.6.1.1 Overall, I wish I was more effectively supported .	3	4	4	1	0	12
3.6.1.2 Overall, I wish I had more legal advice .	2	4	3	1	2	12
3.6.1.3 At times, I would have wished for more information about the progress of the case.	6	3	0	1	2	12
3.6.1.4 At times, I would have wished for more information about my potential role in the proceedings.	2	3	5	0	2	12

For statements 3.6.1.1 (more effective support), 3.6.1.2 (more legal advice), and 3.6.1.4 (more information about potential role in proceedings), opinions seem to vary based on interviewees’ personal experiences with different aspects of the legal proceedings. For these questions, the interviewees who (strongly) agree almost equal the numbers of those who (strongly) disagree. The only exception is question 3.6.1.3, where victims are clearly dissatisfied with the information provided them during proceedings, with 9 out of 12 interviewees stating they would have wished for more information about the progress of the case. V2 explicitly states that she did not receive any information about the progress of the proceedings, while V5 and V6 claim they were informed badly, (too) late, or that the information was fragmented.

4. Effective remedy

4.1. Views of practitioners

- 4.1.1. According to the interviewed practitioners, do the police view themselves as obliged to investigate whenever there is substantive suspicion that a crime has been committed or do they see themselves as enjoying a margin of discretion whether to investigate or not (Question Pr 4.1)?

All practitioners are aware of the margin of discretion enjoyed by the police to decide whether an investigation should be carried out. The police officers who participated in this research confirmed that this margin of discretion exists and is utilized. J4 notes that the fact that Dutch citizens grant this discretion to the authorities signals a high level of trust in the authorities' ability to make fair, well-considered judgments. This interviewee sees this as a distinctive feature of the situation in the Netherlands, when compared to other countries, as the following quote illustrates:

"This is exactly the difference between the Dutch investigation system and foreign ones. There is in the Netherlands an enormous trust in institutions. We have never had an enormously powerful dictatorship in the Netherlands [...] everything is organised based on trust and that the professional does what is good." [NL/J/04]³⁴

The decision to proceed to investigation depends on several factors. First, the work load of the police force [L4]: the available capacity to investigate, which mainly depends on sufficient staff [L5] to carry out an investigation. According to several interviewees from different professional categories, staffing is not always sufficient [S1, L3].

Second, the decision to investigate depends on prioritization: the weight and importance of a case in relation to the weight, importance, and urgency of other cases. The police prioritize certain forms of violent crime such as domestic violence, sexual offenses, and honour-related violence [S4, S5, P1]. For these so-called "high impact crimes" [P2], the margin of discretion does not exist. One police officer states:

"It's true that for some crimes, it is rather useless to report, because it is very likely that nothing will happen indeed, for example in material theft. However, when an individual is under pressure, in cases of domestic violence, people can expect the police to act." [NL/P/05]³⁵

Third, there is the issue of solvability: the provability and level of complexity of a case [L4]. When there are not enough leads, the police might refrain from investigating [P4]. Sometimes the police refrain from investigating cases that are too complex. L4 states that police should be better educated in order to be able to investigate more complex cases.

Fourth, the severity of a case impacts on the decision to investigate [S2]. The severity correlates to, or is defined by, the frequency of separate attacks by a given offender [S4].

Finally, the victim's level of cooperativeness [L1, P5] and the level of police sympathy towards a victim filing a report [L5] play a part in the decision-making of the police.

³⁴ [NL/J/04] "Dat is nou precies het verschil in het Nederlandse opsporingsstelsel en buitenlandse. Er is in Nederland een enorm vertrouwen in de instituties. Wij hebben in Nederland nog nooit enorme overheersende dictators gehad (...) alles is in Nederland georganiseerd op basis van vertrouwen in dat die professional doet wat goed is"

³⁵ NL/P/05 "Het klopt dat het voor sommige misdrijven zinloos is te melden, omdat het zeer waarschijnlijk is dat niets zal gebeuren, bijvoorbeeld bij diefstal. Maar, als een persoon onder druk staat, in gevallen van huiselijk geweld, kunnen mensen verwachten dat de politie actie onderneemt."

4.1.2. According to the interviewed practitioners, do public prosecutors view themselves as obliged to prosecute in any case where there are significant indications that a crime has been committed or do they see themselves as enjoying a margin of discretion in this regard (Question 4.2)?

The majority of interviewees state that deciding whether or not to prosecute is the primary task of the public prosecutor [P4, P5]. The margin of discretion is therefore obvious and inevitable. By rule, the public prosecutor is bound by the discretionary principle [J2].

The decision whether or not to prosecute depends on many factors. These are: provability [S3, J2, J5, J6] (when there is a lack of evidence, this is called a “technical sepo”); the comprehensiveness and diligence of the police report [S1]; the impact a prosecution might have on a victim (secondary victimization) [P4, L5]; societal impact (i.e. on public order, state, or victim) [L5]; nepotism [P4]; health conditions of the suspect; gravity of the crime [J1]; and work load of the public prosecutor’s office [L4, L2]. A suspect filing a counter declaration is also a strong reason not to prosecute [S3], as the process risks becoming a battle. When a victim indicates (s)he is satisfied with financial compensation, this can also be reason to discontinue a case [J6]. L4 notes that in the Netherlands “we currently have this ideal of ‘fighting crime’. When the public prosecutors cannot ‘score’ with a case, they tend to avoid prosecution in the first place.”

Severe violent crimes are always prioritized by the public prosecutor [P2].

4.1.3. As assessed by the interviewed practitioners, divided by professional groups, how often does it happen in cases concerning violent crimes that prosecution becomes time-barred because of a statute of limitation?

This occurs	S	P	J	L
Often or very often	0	0	0	0
Occasionally	0	0	0	0
Only in exceptional cases or not at all	3	3	6	5
Don't know	2	2	0	0
TOTAL	5	5	6	5

According to the practitioners, cases in the Netherlands are rarely barred due to a statute of limitations. Limitation periods have been extended for certain crimes such as sexual violence [L1] and abolished for crimes such as murder.

4.1.4. According to the interviewed practitioners, if the police fail to carry out a thorough and effective investigation, does the victim have an effective means of challenging this failure (Question Pr 4.4)?

The majority of practitioners are under the impression that police reluctance to investigate cannot be challenged by means of a formal procedure. These practitioners, including 1 police officer [P4], state that objections to the decision to not investigate can only be made by filing an internal complaint at the police department [J2, J4]. Practitioners share a common belief that it is difficult [S2] or even impossible [L1] to challenge a police decision given the lack of a legal basis to challenge inaction [L3]. However, several interviewees state that, even though most victims are

unaware of this option [J5], victims can make use of Article 12 of the Code of Criminal Proceedings, by which an interested party – such as the victim – can file a complaint against a decision of the public prosecutor not to prosecute [S5]. This procedure can also be initiated vis-a-vis the police, via the public prosecutor [L4, L5].

4.1.5. According to the interviewed practitioners, if the public prosecutor decides to discontinue prosecution, does the victim have an effective means of challenging this decision (Question Pr 4 5)?

All groups of practitioners are familiar with Article 12 of the Code of Criminal Proceedings, by which an interested party – such as the victim – can file a complaint against the public prosecutor’s decision not to prosecute. Only amongst practitioners of victim support services, 2 out of 5 interviewees [S3, S4] were unable to point to means for victims to challenge a decision by the public prosecutor. J3 notes that Article 12 procedures are an important tool for people who feel frustrated by the legal system. L2 notes that these procedures are rarely successful (for victims) as it is necessary to introduce novel and concrete information or an additional proposal for investigation. While the procedure has little effect in forcing prosecution [L1], it can enable victims to understand why prosecution was discontinued.

4.1.6. To what extent did the interviewed practitioners, divided by professional groups, agree to the following statement (Question Pr 4.6)?

When people fall victim to violent crime they can legitimately expect that the police conduct a thorough investigation with a view to identifying offenders.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
S	0	3	2	0	0	5
P	2	3	0	0	0	5
J	2	2	0	1	1	6
L	0	3	1	0	1	5

A large majority of interviewed practitioners agree with the statement. However, amongst victim support practitioners, public prosecutors and lawyers, there is no in-group consensus on the matter. This variability is explained as follows:

Victim support services

Within this group, opinions on whether victims of violent crimes can legitimately expect the police to conduct thorough investigations to identify offenders vary between agree and disagree. According to 2 interviewees who disagree, it depends on the availability of evidence [S5] and the degree to which police officers are convinced by the victim’s story [S4]. According to the other victim support practitioners, the police normally conduct investigations to identify offenders [S2]. S1 adds that in practice, the completeness and thoroughness of investigations can still be improved.

Police

Perhaps unsurprisingly, all police interviewees agree or strongly agree with the statement that victims of violent crimes can legitimately expect a thorough police investigation to identify offenders. None felt the need to explain further.

Judges / public prosecutors

Although the majority of public prosecutors/judges agree or even strongly agree with this statement, they voice comments similar to those of practitioners in victim support services. J3 notes that although he believes the police investigate when necessary, a more relevant and problematic point is the quality of police investigations, which he finds unsatisfactory. J3 notes, for example, that obvious witnesses are not always included and heard. Finally, there is no internal consensus on the matter as J5 thoroughly disagrees with the statement, arguing that identification is not the issue in many violent crime cases (such as sexual or domestic violence), where offenders are usually known. J2 explicitly states that she is unwilling to answer any questions about (the functioning of) the police.

Lawyers

L3 notes that whether victims of violent crimes can legitimately expect the police to conduct a thorough investigation to identify offenders depends on the situation. Sometimes the police investigate; sometimes they do not [L3]. The majority of lawyers who agree with the statement do not give any additional explanation. L5 disagrees with the statement and adds:

“In the ideal world, yes. But not as it is now.” [NL/L/05]³⁶

4.2. Views of victims

4.2.1. According to the interviewed victims, what was the outcome of criminal proceedings in terms of offenders being convicted, of sanctions imposed and of compensation being awarded (Question V 4.1)?

The table below provides an overview of convictions, sanctions and awarded compensation.

9 victims saw their offender convicted. 3 state that the offender was imprisoned, 2 mention community service as an imposed sanction, and 2 mention suspended sentencing. In 1 case, the suspect was declared not guilty of all charges. In 1 case, there was no trial and the conflict was solved through mediation. In the remaining case, the victim is waiting to hear about the outcome of the trial.

In addition, 5 victims have received, or are waiting to receive, financial compensation for inflicted damages. In 1 of these cases, the suspect was not convicted and the victim was compensated by the state.

	CONVINCTION	SANCTIONS(S)	COMPENSATION
V1	Yes	No	Yes
V2	No	No	Yes, compensation by the state
V3	Yes	Yes, 25 days of imprisonment	No
V4	Yes	Yes, 100 hours of community service	Yes (but so far nothing received)

³⁶ NL/L/05 *“In de ideale wereld wel ja. Maar dat is niet de situatie zoals die nu is. “*

V5	Yes	Yes, imprisonment (duration not mentioned)	Yes (but so far nothing received)
V6	Yes	Yes (type of sanction not mentioned)	Requested, but no decision yet
V7	Yes	No	No, claim was denied
V8	Yes	Yes, 20 days of detention in prison + 10 days of suspended sentence + 2 years on probation + 40 hours of community service	No (not applied for)
V9	Yes	Yes (limitation of rights regarding custody over children)	No (not applied for)
V10	No trial: conflict solved through mediation	NA	NA
V11	No outcome of the trial yet	NA	NA
V12	Yes	Yes, 2 years of suspended sentence	Yes: 600 euro

4.2.2. Do interviewees assess the outcome of the proceedings as appropriate and satisfactory? What were their observations and the reasons they gave to support their assessments (Question V 4.2)?

4 out of 12 interviewed victims are generally satisfied with the conviction, sanctions and awarded compensation. 2 are neutral about the outcome and do not feel the need to express any opinion. 2 interviewed victims did not (yet) have a trial and hence were unable to answer the question.

The remaining 4 victims who are not satisfied are notably *very* unsatisfied, and express disillusionment and frustration. Why the different victims feel a certain way about the different aspects of their trial outcome (conviction, sanctions and compensation) is explained below.

Conviction

V1 states she has no particular opinion on the sanction imposed. She trusts the judge in imposing reasonable sanctions. V5 is equally confident in the capacity of the judge to make fair decisions. V6 is satisfied with the conviction of the offenders and believes justice has been done. His only point of criticism is that the proceedings

took over 2 years. V2 finds the outcome of the trial ridiculous and disagrees with the verdict: the suspect was cleared of all charges. He calls it a “smelly case”.

Sanctions

V8 is satisfied with the penalty, noting that the imposed sanction is quite strong in view of the assault that took place. He assumes the offender had probably already committed one or more crimes. V9 is satisfied that the rights of her offender have been limited, granting her full custody over their children. V12 also finds the sentencing satisfactory.

V3 is discontent with the sanctions that resulted from the proceedings. His main purpose to start a trial was to enforce psychological treatment for the offender (his son), not imprisonment. The judge offered the convicted offender the choice between two options: one year of forced treatment in a clinic, two years protected living and a restraining order of three years on the one hand and on the other hand 25 days of prison. The interviewee explains that he was flabbergasted, since from his perspective they let a young man, without any insight in his own (psychological) conditions decide on his own sanction. As a result of this procedure, the interviewee says that he is getting more and more sarcastic, because of the flaws in the system he experienced, and the way in which decisions are made. The key issue is the fact that the outcome of the case is not in line with what he wanted to achieve with the entire procedure:

‘I didn’t want any conviction or sanctions, I didn’t want any compensation. I only wanted good care of my son, nothing more. I’m not interested at all in anything else.’ [NL/V/03]³⁷

V4 and V7 seem even more disillusioned by the (lack of) sanctions imposed on their offenders. V4 calls the punishment “a joke” and not at all proportionate to the damage inflicted. He argues that he could have been dead by now, and for this reason, he would not mind if the offender was sentenced to death. However, all he got was 100 hours of community service. V4 is very frustrated about this. V7 is still in the process of trying to get information on why there was no sanction imposed, but this quest has so far been unsuccessful.

4.2.3. As concerns interviewees who found the outcome of proceedings at the court of first instance not satisfactory, were they informed of any means to challenge the decision taken by the court of first instance (Question V 4.3)?

4 interviewed victims were unsatisfied with the outcome of the proceedings. V2 and V7 were informed about means to challenge the decision of the court of first instance. V3 and V4 were not. V3 asked about the means to challenge the decision taken by the court of first instance and explains:

‘The man who informed me was a good guy, he understood my problem, so when he told me the chances of success were minimal if we were to challenge the decision, I trusted his judgment and believed him.’ [NL/V/03]³⁸

V7 adds that even though he was well informed about existing options to challenge a decision taken in court, these options were ineffectual as his case was already brought to a higher court (by appealing to Article 12 of criminal law).

³⁷ NL/V/03 “Ik wilde geen veroordeling of sanctie, ik wilde geen schadevergoeding. Ik wilde alleen goede zorg voor mijn zoon, niets meer dan dat. Ik heb geen interesse in al het overige.”

³⁸ NL/V/03 “De man die mij informeerde was een goede vent, hij begreep mijn probleem, dus toen hij me vertelde dat de kansen op succes minimaal waren als we in beroep zouden gaan, heb ik op zijn kennis vertrouwd en hem geloofd.”

4.2.4. How did the interviewees assess their own influence on the outcome of the proceedings (Question V 4.4)?

4 out of 10 victims who had a court trial believe they influenced the outcome of the proceedings. 3 believe they did so by submitting a written victim's statement that was read out loud during court trial. V3 and V8 believe they had (at least a minimal) influence on the outcome by writing victim statements and letters to the public prosecutor. V12 also believes her written statement made a difference; this was confirmed by the public prosecutor who told her that her statement influenced the trial. V6 was present and spoke about his experience and the impact of the crime during the court trial and thinks his influence on the outcome was significant.

V2 and V7 are cynical about their influence on the outcome of the proceedings. Their written victim's statements, read out loud in court, did not lead to conviction/sentencing of the suspect/offender.

Finally, 4 interviewees [V1, V4, V5, V9] are doubtful whether their input influenced the outcome of the proceedings. This does not mean that they necessarily regretted taking part, but it shows that in the experience of these victims, the actual judgment of the court is still a matter between offender and judge. What their involvement as victims contributes (in their own assessment), is the personal input from the victim's perspective, making the case more complete and providing some level of communication between victim and offender. This can still be a worthwhile contribution for the victims, which is expressed in the following quotes:

"In court, all the positive features of the offender are brought under attention of the judge, but I think it's very good that under the current law, also time and space is given to the victims and/or their relatives. The fact that the offender's deeds have a big influence on the victim should also be brought to the attention in trial." [NLV/05]³⁹

"I'm afraid my contribution to the process didn't make any difference. They said I could say something [for the offenders] so I let them [victim support] write down that my advice for them was to take a job if they needed money. That's what my boys did when they were young." [NLV/01]⁴⁰

V9 adds that she was present in court and told her story to the judge, and received the impression that the judge understood her very well.

4.2.5. How did the interviewees assess the manner in which the police investigation was carried out; was it

- a) thorough and comprehensive?
- b) timely and efficient?
- c) Any other observations (Question V 4.5)?

7 out of 12 interviewed victims are generally positive about how police carried out the investigation, deeming the investigations both thorough/comprehensive and timely/efficient [V1, V3, V5-V9]. V1 points out that the police acted immediately after she reported the crime, that they wrote down her statement at the office, caught the offenders, and asked her to identify them within 2 days. V5 also recounts active and expeditious comportment by the police: they were on the spot, arrested the offender, informed her that the offender had been identified, and took her to the

³⁹ NLV/05 *"Bij de rechtbank worden alle positieve kanten van de dader onder de aandacht van de rechter gebracht, maar ik denk dat het heel goed is dat er onder het huidige recht ook tijd en ruimte is voor de slachtoffers en/of hun nabestaanden. Het feit dat de daders daden een grote impact hebben op het slachtoffer zou ook aandacht moeten krijgen bij de zaak."*

⁴⁰ NLV/01 *"Ik ben bang dat mijn bijdrage geen verschil heeft gemaakt in het proces. Ze zeiden dat ik iets mocht zeggen, dus toen heb ik hen op laten schrijven dat mijn advies was dat ze maar een baan moesten nemen als ze geld nodig hadden. Dat deden mijn jongens ook toen ze klein waren."*

police station to write down her report. V3 states that the police could not have done anything more or better: all officers were dedicated to his needs as a victim. For V6, how the investigation was carried out surpassed his expectations. He experienced police officers as nice, idealistic people who took him seriously and provided him with advice, practical help in reporting, and information on the whereabouts of the offender as well as mental support. V7 states that although his experience with the police was generally positive, the evidence that he delivered was lost, which he considers rather careless.

4 out of 12 victim interviewees were rather [V10, V11] or extremely negative [V2, V4] about the police investigation. They share the opinion that the police investigation was not thorough, imprecise, and sloppy in handling evidence.

V2 believes the police did not conduct an investigation out of fear of the suspect. V4 is displeased with all elements of the investigation and the way the police treated him, and does not believe the investigation was thorough. V4 felt interrogated, as if he was the suspect, even after the fact became clear that he was the victim of the offence.

V12 remains ambivalent about the police investigation. She states that the police were effective at first. They arrested the offender and stayed on site to investigate and talk to eyewitnesses. When she received and read the written police report, she signalled several mistakes. She tried to provide additional information to the police, but this was unsuccessful. V12 states that she is disappointed about this mishap.

Overall, the majority of victims positively evaluate police investigations.

4.2.6. To what extent did the interviewed victims agree to the following statements (Question V 4.6)?

	Strongly agree	Rather agree	Rather disagree	Strongly disagree	Don't know	TOTAL
4.2.6.1 Overall, I would have expected to be given a more important role in the proceedings.	3	2	4	1	2	12
4.2.6.2 The police appeared to be committed to an effective investigation.	1	5	1	3	2	12

There is very little consensus among interviewed victims on whether a more important role in the proceedings would have been desirable, many of them having no idea about ways to be more involved. This points to a clear lack of knowledge among victims about their possibilities of involvement in the proceedings, which is remarkable considering the fact that the uncertainty of practitioners about the desirable role of victims is apparently shared by the victims themselves.

V1 cannot think of anything she could have done differently, or any other role she could have played. She states she has no knowledge of court cases and therefore no clue about what role she could have played apart from the one she already had. V3 also indicates that he does not know what kind of role he could reasonably be expected to play. Others are rather disappointed about the small role they played in the proceedings in the end, implying that they would have appreciated the possibility to be involved more extensively. They feel that their possibilities were very limited in the present situation, which they assess as problematic. The following quotes illustrate this attitude:

"We couldn't do anything, how could we have a role in the proceedings? We play no role. Even our lawyer couldn't do anything, because he couldn't add information to the dossier. The court trial would have continued, even if we retreated our police report." [NLV/02]⁴¹

"I would have expected to be able to speak longer, since it was now no more than a minute- more or less. I would have liked to tell the whole story of what has happened, but there has been no possibility. Moreover, I expected to receive more information during the proceedings, I knew only the minimum." [NLV/04]⁴²

The four victims of domestic violence interviewed show more agreement on this question: 3 out of 4 strongly agree on the fact that they had expected to be given a more important role in the proceedings [V10, V11, V12]. Only one of the victims disagreed on this point [V9]. It is not clear how this can be interpreted, also in light of other answers provided by domestic violence victims. The four cases show a variety of involvement and outcomes, so it is difficult to discern any overall trend that explains the higher expectations of domestic violence victims. This expectation may simply originate in the nature of domestic violence cases in themselves, which can potentially have a more far-reaching impact on the overall situation of the victims than other cases of violence. The expectation to be more involved in proceedings is also in line with the frequently expressed impression (of victims and practitioners) that cases of domestic violence are taken over too intensively by the institutions involved, taking away the agency of the individual victims.

Considering the second statement whether the police appeared to be committed to an effective investigation, the non-domestic violence victims are more positive about the police than the victims of domestic violence. 5 out of 8 victims of other forms of violence (strongly) agreed on this point (opposed to 2 'strongly-disagree' and 1 'don't know'). On the contrary, of the domestic violence cases 2 out of 4 victims strongly disagreed (versus 1 agree and 1 'don't know'). The overall difference is difficult to assess, as we are talking about small numbers, but the 2 strongly disagreeing victims of domestic violence are a notable outcome. While it cannot be assessed whether the police was indeed less committed to the investigation in these cases, again it appears that the police are not able to live up to the expectations of the victims interviewed. This is especially interesting as it concerns investigation, which is not one of the aspects usually attributed as specifically relevant in cases of domestic violence (as opposed to aspects such as repeat victimisation, immediate support etc.).

⁴¹ NLV/02 *"We konden niets doen, hoe konden we een rol hebben in het proces? We spelen geen rol. Zelfs onze advocaat kon niets doen, omdat hij geen informatie aan het dossier kon toevoegen. De rechtszaak zou zijn doorgaan, ook als wij onze aangifte hadden ingetrokken."*

⁴² NLV/04 *"Ik zou verwacht hebben dat ik langer zou mogen praten, omdat het nu niet langer dan een minuut was – meer of minder. Ik zou graag het hele verhaal hebben verteld van wat er gebeurd is, maar er was geen mogelijkheid. Bovendien had ik verwacht om meer informatie te krijgen tijdens het proces, ik wist alleen het minimum."*

5. Victims' active participation

5.1. Views of practitioners

5.1.1. According to the interviewed practitioners, are victims heard during the proceedings at important stages or before decisions are taken (Question Pr 5.1)?

All categories of practitioners indicate that there is no strict yes or no answer to this question. Aspects such as the severity of the case and the professionals involved influence the chances of a victim being heard at important stages in the proceedings or when decisions are taken. There are rules and conditions to assess whether a victim should be heard, but individual professionals also assess whether they deem it necessary to talk with a victim.

Victim support services

Support service practitioners are not uniform in their views on whether victims are heard or not: S1 and S4 believe so, S2 and S5 do not, and S3 is doubtful.

S1 states that in regular criminal law (i.e. no major offences), the Public Prosecution Department by rule does not hear victims other than as witnesses. However, in case of a major offence, the victim is contacted by a public prosecutor and gets the opportunity to tell how (s)he is doing and, if necessary, provide additional information that can be added to the police report. A report of this meeting with the public prosecutor is usually drawn up and used in court. For sexual offenses, which involve case managers or family directors/detectives (*familierechercheur*), there is frequent contact between victims and the Public Prosecution Department.

The National Victim Support Service (*Slachtofferhulp Nederland*) also has a role in talking to victims, especially during summary justice / accelerated procedures (*ZSM* or *snelrecht*), in which support services are actively involved [S1]. In Amsterdam, a special system ensures that all victims are spoken with [S2]. But in practice, not all victims are contacted as they either do not pick up the phone or the police did not register their phone numbers in the first place. In these cases, the National Victim Support Service is unable to "properly position" the victim and the public prosecutor is unable to take the victim into account during prosecution.

S1 states that, in cases where the National Victim Support Service does succeed in speaking to the victim, he/she will also be heard at other important moments. Interestingly, S2 states the opposite: that victims are not heard at important stages of the proceedings or before decisions are taken, apart from testifying as witnesses. For example, when cases are discontinued by the courts, victims or their relatives are usually not heard by the Public Prosecution Service. S2 notes that many lawyers in their jurisprudence have taken a strong stand on this matter, claiming that the police and the public prosecutors are falling short of their responsibilities.

Lawyers

Although most lawyers (4/5) firmly state that victims are unlikely to be heard at important stages of the proceedings or before decisions are taken (as very few prosecutors initiate talking to a victim) [L4], L1 and L3 emphasize the case and situational contingency of victims being heard. In smaller cases, the system (still) focuses on the suspect. For more severe crimes, the role of the victim becomes more apparent.

Formally, L1 argues, there is always the possibility for a victim to have a preparatory consultation with the judge and the public prosecutor. But in practice this depends on how the presiding judge handles the case. While a preparatory consultation can be helpful, sometimes it is a mere formality. Again, this depends on the

judge/prosecutor in question. With more serious cases, L3 adds, more attention is given to hearing the victim, especially when a case-coordinator is involved. L3 claims that, *if* an official conversation between the victim and the public prosecutor does take place, victims can be asked for clarification. In short, L1 and L3 share the view that victims are heard, but in a limited way, and not always with the desired impact.

Judges / public prosecutors

Judges and public prosecutors largely agree on the conditions and circumstances under which a victim will be heard in the proceedings. In severe cases, victims can request a “victim’s conversation” with the public prosecutor by referring to the “speaking right” that applies to crimes that can entail prison sentences of 8 years or more [J1]. However, the public prosecutor will always decide whether to grant this request or not. Hence it is not strictly a right of the victim to be heard, but an option that the state should provide when deemed necessary [J5]. Victims may be consulted when a case is discontinued, but again this is an “advice” (to state institutions), not a right of the victim [J2]. J3 adds that hearing victims is a heavy burden for a public prosecutor. But it is important to check how the victim is doing, and to manage expectations regarding the possible punishment and outcome of a case.

J2 explains that victims are only heard when there is a specific reason: additional information may be required or there may be questions regarding the reliability of the information provided. The judge can ask victims for clarification of the claims made [J1]. But victims are not normally heard again before a decision is taken. Importantly, the risk of secondary victimization is taken into account in decisions to hear a victim [J2].

Police

The majority of police [P1, P2, P4 and P5; P3 does not know] answered that being heard is indeed a possibility offered to victims. In the trial phase, victims can be asked to make a statement to the public prosecutor outside of the court context (i.e. in preparation for trial) or are granted their right to speak during court trial [P5]. The National Victim Support Service can help victims to present an additional victim’s statement to be included in the case files which describes the victim’s experience [P2]. P1 adds, however, that the possibility to be heard depends on whether or not a victim suffered damage. If it turns out that a victim might have taken part in the case, (s)he might also be heard as a suspect.

5.1.2. During the investigation, are victims entitled to ask that relevant evidence is secured (Question Pr 5.2)?

On the question of whether victims are entitled to ask for relevant evidence to be secured, practitioners from all categories distinguish between formal rights and what happens in practice. They state that although “on paper” – and according to the new rule – victims are entitled to do so [S3, S5], it rarely happens [S4], if only because victims are rarely well informed about the possibility to file such a request [S2]. S2 adds that these requests are generally unsuccessful because police often reject them. L2 and L3 confirm this view: the police only add new evidence when they deem it valuable. The police themselves note that new information only becomes part of the police investigation when they consider it relevant [P1, P3], i.e. it needs to be helpful in solving the case [P1].

In case the police refuse to take it into account, evidence can be sent directly to the Public Prosecution Service with the help of a lawyer [L3] or the National Victim Support Service [S2]. J1 notes that in any case, the public prosecutor decides whether the evidence needs to be added to the dossier. Here the relevance of the statement and the importance for the victim is decisive.

P5 states that the police are working to improve possibilities to deliver evidence by creating a digital portal on the police website. L1 would like the right of adding evidence to be expanded, to the extent that victims can also request specific investigative actions.

5.1.3. Are victims entitled, during court trial, to call for any evidence they view as relevant (Question Pr 5.3)?

Practitioners from all professional groups (except police, who were not asked) note that calling for evidence to be considered during court trial is possible for victims. Among victim support practitioners, S1 argues the contrary: that the amount and sort of evidence must be decided upon at the closing of police investigations. Also among lawyers, one interviewee states that the opportunity of victims to add evidence to the file ends right before the trial, when they might try to “force” the public prosecutor to consider whether the evidence is relevant to the case.

The majority of professionals answer this question in the affirmative: calling for evidence to be considered during court trial is a right. However, there are limitations, difficulties and downsides to how this right works in practice.

First, it is noted that victims are more likely to be successful in having such requests granted when they do this via a legal representative or lawyer [S2]. S5 notes that victims may provide evidence by themselves, but that this usually evokes irritation as it delays the proceedings [J3, J4]. Calling for evidence might thus eventually work against the victim. According to L1, it is advisable for victims to ensure that evidence is included in the file beforehand. During the hearing, the judge decides whether evidence may be added to the dossier [J1]. By time of the court hearing, the judge is likely to refuse further evidence not already part of the file [L1]. L2 and J6 indicate that although victims are formally entitled to call for evidence during trial, they have never seen this happen in practice.

5.1.4. According to the interviewed practitioners, are victims entitled, during court trial, to ask questions or have questions being put to witnesses (Question Pr 5.4)?

Apart from a few practitioners who do not know or are unsure whether this is possible [S3, S4, L2], all practitioners are firm in their statements that victims are not entitled to ask questions or have questions put to witnesses during court trial. According to L5, the fact that a victim cannot ask questions produces painful situations. For example, the victim cannot respond to the statement a suspect makes in court, even when this statement can be easily refuted when the right question is asked. In contrast, L4 has the impression that most victims do not desire to take such an active role in court.

L3 notes that a victim can request a public prosecutor to ask a specific question, but that the public prosecutor can never be obliged to do so. On this matter, public prosecutor J1 states that she does not want to become a “mouthpiece” for victims in court, claiming that her role is not to represent the victim, but society as a whole. Nevertheless, the victim is also part of this society and if she is able to ask something significant for the victim’s benefit, she will, considering that it is of added value to the trial.

5.1.5. Which safeguards are implemented, if any, ensuring that victims’ participation in proceedings is not impeded or rendered impossible by the victim’s irregular status of residence (Question Pr 5.5)?

The majority (13/21) of interviewed practitioners state that victims who are migrants with an irregular status can stay longer to participate in proceedings only in exceptional cases. Irregular migrant victims are only allowed to stay via a B8 procedure if they have fallen victim to human trafficking. In this case, a short-term visa is granted [L2, L5, J1, J2, J3, S5, P2, P5].

Whereas 7 practitioners indicate that they do not know or are unsure whether and under what conditions a stay can be prolonged, 1 practitioner states that, although it would be desirable from a humanist point of view, staying in the country longer to participate in proceedings is not possible for any sort of victim with an irregular status due to the bureaucratic difficulties this creates [J4].

In cases other than human trafficking, there are few to no possibilities to prolong a stay in the country for irregular migrants. In any case, it is the IND (Immigration Service) which considers whether a victim needs to stay in the Netherlands [P3, P5]. If not, victims can participate in the proceedings from a distance [S5].

L1 and P5 note that there is an ongoing discussion on this matter in the Netherlands. If staying to participate would be possible, this rule would be vulnerable to abuse [P5].

5.1.6. To what extent did the interviewed practitioners, divided by professional groups, agree to the following statement (Question Pr 5.6)?

Victims should be offered more opportunities to actively participate in the proceedings.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
S	0	3	1	0	1	5
P	0	3	1	1	0	5
J	0	0	5	0	1	6
L	1	3	0	0	1	5

This statement touches upon a fundamental issue in current criminal law. The interviewed judges state that this is a legal-political [J3], “rather fundamental” [J4] question. He claims that:

“I’m against the limitless expansion of rights and possibilities. However, if there is a strong rational reason behind it, to reform the system so that the victim gets a say, yes.. then victims could be offered more opportunities to actively participate in the proceedings. But then also the system needs to be fundamentally changed.” [NL/J4]⁴³

In case the victim indeed needs to become more central in the proceedings, a reform of the legal system would be necessary, he states. In such a system, in the first place the victim will be compensated for the damage/harm that has been done, and only after that the public prosecutor can evaluate whether more needs to be done to, for example, for protecting the interests of the society. He is convinced that when this reform would happen, compensation and restitution will become more central in proceedings in the Netherlands.

The elaborate and contrasting answers of practitioners highlight the complicated and important nature of the matter, and will therefore be elaborated upon in the following paragraphs.

To the question whether victims should be offered more opportunities to actively participate in proceedings, victim support practitioners, police and lawyers generally answer positively, arguing that although possibilities for victims to participate have already improved, further steps can be taken. Examples include guaranteeing more effective execution [S1, S2], ensuring public prosecutors always interview victims [S5], and raising awareness among victims about the opportunities that already exist [L2].

⁴³ NL/JJ04 “Ik ben tegen eindeloze uitbreiding van de rechten en mogelijkheden. Desalniettemin, als er een sterke rationele beweegreden is om het systeem te hervormen, om slachtoffers een stem te geven, ja.. dan zouden slachtoffers meer mogelijkheden geboden kunnen worden om actief deel te nemen aan het zaak. Maar dan moet wel het systeem fundamenteel veranderd worden.”

P1 believes that victims currently do not have enough opportunities, or make insufficient use of opportunities that exist. Criminal proceedings focus on the suspect, who needs to be given a fair trial. Nonetheless, P1 argues that if the voice of the victim can be reflected in a proper, non-dominant manner, the experience and perception of the victim could make a difference, providing more balance to the case. This interviewee provides a very balanced view of what the role of the victim may be, taking into account the basic principles of criminal law. This partly overlaps with the attitudes of the group of victims who do not necessarily wish to influence the outcome of proceedings, but do see an important role for themselves by providing the victim's perspective in court. P1 explains this as follows:

"I believe this is not enough now, yes. Because it isn't being used enough... I also don't see it often enough. I partly get it, because the criminal proceedings are aimed at the suspect and he should get a trial that's as fair and good as possible. On the other hand I think the perception and the experience of the victim can make a difference in that. So if you do it in an appropriate way that is not dominant, but have it reflected in a good way, I think you would get a somewhat better balance in the case. A public prosecutor explaining something on behalf of the victim or the victim sitting there himself or having submitted something, I think that makes a huge difference. Maybe not so much for the criminal proceedings in themselves, but I think it can also have a very good effect on the suspect." [NL/P/01]⁴⁴

L2 notes that greater opportunities to actively participate would empower victims, who would then know that they have done everything in their power to pursue justice. Participation could give victims a greater sense of satisfaction or effectuate better coping with any psychological consequences. P2 likewise states that participation in proceedings can make victims more emotionally resilient.

While these views are still mainly based on the current situation and emphasise the possibilities that can be extended under the current regulations, one of the lawyers interviewed, L4, proposes more structural changes. This interviewee argues that the participation of victims should be expanded to the extent that:

"a victim should become a separate party in criminal proceedings. But then this must be arranged differently. I think a two-phase trial is a logical solution. Because now, before a suspect is even convicted, a victim is already explaining what kind of damage [the suspect] has done. I think that, first, it should be decided upon: is there enough evidence to come to a conviction? And only then, we should consider things as the right to speak for a victim. As [the system] is set up now, we cannot make the victim any bigger without disadvantaging the suspect." [NL/L/04]⁴⁵

Interestingly, this view takes into account a clear division between the investigation and conviction part of the criminal justice system on the one hand, which seem to be portrayed as the core functions of the system and are therefore limited to the interaction between offender and institutions, and possibly the sentencing, punishment or rehabilitation on the other hand, whereby the victim's perspective can play a more important role.

⁴⁴ NL/P/01 "Ik vind dat dat nu nog te weinig is, ja. Omdat er nog te weinig gebruik wordt gemaakt... ik zie het ook nog te weinig. Deels snap ik het want het strafproces is gericht op de verdachte en die moet een zo eerlijk en goed mogelijk proces hebben. Aan de andere kant denk ik dat de beleving en de ervaring van het slachtoffer daar wel een verschil in kan maken. Dus als je dat op een gepaste wijze doet, wat niet overheerst, maar wel op een goede manier dat laat doorklinken, denk ik dat je wel een wat betere balans krijgt in de zaak. Of een officier nou iets toelicht namens het slachtoffer, of dat slachtoffer daar zelf zit of iets heeft ingediend, ik denk dat dat zo ontzettend uitmaakt. En dan is het misschien nog niet eens voor de strafzaak zelf, maar ik denk dat het ook een hele goede uitwerking kan hebben op de verdachte."

⁴⁵ NL/L/04 "Ik denk dat een slachtoffer een aparte partij zou moeten worden in strafrechtelijke zaken. Maar dan moet het wel anders georganiseerd worden. Ik denk een twee-fase zaak is een logische oplossing. Omdat nu, voordat een verdachte nog veroordeeld is, een slachtoffer al gaat uitleggen wat voor schade hij heeft aangebracht. Ik denk dat dat eerst besloten zou moeten worden, is er genoeg bewijs voor een veroordeling? En alleen dan zouden we moeten kijken naar dingen als het recht op inspreken van het slachtoffer. Zoals [het systeem] nu is opgezet kunnen we het slachtoffer niet groter maken zonder dat het ten nadele uitpakt voor de verdachte."

In contrast to the other professional groups, judges and public prosecutors uniformly disagree with the statement that victims should be offered more opportunities to actively participate in the proceedings (with the exception of J5 who is unsure of how to answer this question). Judges and public prosecutors perceive the opportunities for victims to participate as sufficient.

J3 notes that, whereas the right to speak is important for victims, it should not be extended to a second term. J4 is likewise against the limitless expansion of rights and possibilities. However, he notes that the role and opportunities of victims can only be extended if there is a strong rationale that leads to a fundamental reform of the system. Judge J4 places the limitation of victims' rights in historical perspective, stating that:

"The Dutch government is historically the main malefactor in limiting victims' rights. To revise this, to give victims a place in the process, the government needs to take a step back. When this happens, compensation for damages will become more central in the proceedings." [NL/J/04]⁴⁶

The victim, according to him, will first be compensated for the damage/harm that has been done; only after this will the public prosecutor evaluate whether more needs to be done, for example in the public interest. According to judge J4, if the victim indeed needs to become more central, this would be the most logical way to reform the system.

Public prosecutor J1 makes a similar point: if victims were given more rights, we would have to change the entire legal system. If victims are offered more opportunities in the system as it exists now, it will become very difficult to manage the court trial and proceedings would become lengthier. J1 claims that the Dutch system is not equipped for victims to have larger roles during trial, and rightly so. This interviewee clearly expresses an institutional view of criminal justice wherein courts are collectively mandated to administer justice. Proceedings should therefore not be seen as or influenced too extensively by individual processes between victims and offenders. This view is summarised well by the following quote:

"Some things [certain procedures] are embedded in democratic law. You want to see the right things happening in court. You shouldn't depend too much on the victim when it comes to which direction you're going to take with the probated sentence. It needs to be transparent. With the involvement of the victim this could become less neutral since it will depend more heavily on the victim which direction you're going to take. Whereas actually, you need to stand for society and should treat comparable criminal crimes in an equal manner, or at least in a manner that fits the case. The victim could influence the proceedings. It's possible we have a different perspective than the victim." [NL/J/01]⁴⁷

J5 notes that if we want victims to play a larger role, a fundamental revision of the system is required.

Although J2 states that victims have sufficient opportunities to participate in the proceedings, she also believes it is potentially good for victims to play a larger part in the trial (i.e. to address the facts in court). Still, this would lead to repetitiveness and delay in court and in the overall proceedings. J2 shares the opinion that the Dutch legal system is not equipped for such a role-expansion. In contrast to J1, she links this clearly to the system as it is constructed now, but not necessarily to overall principles, as the following quote shows:

⁴⁶ NL/J/04 "De Nederlandse overheid is historisch gezien de grootste boosdoener als het gaat om het beperken van slachtofferrechten. Om dit te herzien, om slachtoffers een plek te geven in het proces, moet de overheid een stap terug doen. Zodra dit gebeurt, zal compensatie voor schade een meer centrale plek krijgen in het proces."

⁴⁷ NL/J/01 "Sommige dingen [sommige procedures] zijn vastgesteld in democratisch recht. Je wilt dat de juiste dingen gebeuren in de rechtszaal. Je zou niet te veel afhankelijk moeten zijn van het slachtoffer wanneer het erop aankomt welke kant je opgaat met de strafeis. Het moet transparant zijn. Met de betrokkenheid van het slachtoffer kan het minder neutraal worden, omdat je te veel afhankelijk wordt van het slachtoffer welke kant je opgaat. Terwijl je eigenlijk voor de maatschappij moet staan, en vergelijkbare misdrijven op dezelfde manier moet behandelen, of tenminste op een manier die past bij de zaak in kwestie. Het slachtoffer kan de procedure beïnvloeden. Het kan dat wij een ander perspectief hebben dan het slachtoffer."

'I can imagine, that due to the way the Dutch criminal law system works, in comparison to law systems in other countries, from an international perspective it could be that Dutch victims don't have sufficient rights.' [NL/J/02]⁴⁸

5.2. Views of victims

5.2.1. According to the victims interviewed, were they heard during the proceedings at important stages or before decisions were taken (Question V 5.1)?

The large majority (11/12) of victim interviewees were not heard before or during the proceedings. Only V10 indicates that she was heard by the public prosecutor right before it was decided to discontinue the case. V6 and V9 state that they did get the opportunity to speak from their position as victim during the trial, but that they were not questioned. V7 indicates that he would have liked to have been heard, preferably before the court trial took place, but this did not happen.

5.2.2. During the investigation, were the interviewees informed that they could ask for the evidence the considered relevant to be secured (Question V 5.2)?

Provision of information on the possibility of requesting evidence to be secured seems to happen irregularly. Only 2 interviewed victims were informed of this possibility. 7 were not, and 2 could not recall whether they were informed. V3 indicated that (for unknown reasons) this question does not apply to him.

V6 was told by the police to save all possible evidence and to report this to the police periodically. V4, on the other hand, was motivated to hand over evidence to the police, but was told that submitting additional evidence was unnecessary. V7 indicates that the evidence he delivered was lost by the police. V10 was told that her evidence was not valid. The testimony of her sister was also not counted as proof, as she was not deemed a neutral party. This came as an unpleasant surprise and severely undermined the trust of the interviewee in the system, as is shown by the following quote:

"later on, multiple lawyers pointed out to me: this domestic violence and those audio files, they are of no use. The judge won't even consider it. The judge only looks at the interest of the child. The child is now so central in the juridical system, placed in between the two parents, that the story of domestic violence will not be taken seriously by any judge. I was so shocked to hear this. I lost faith in the legal-judicial system. You do not feel heard at all as a victim" [NL/V/10]⁴⁹

5.2.3. During court trial, were the interviewees informed that they could call for any evidence that they considered relevant (Question V 5.3)?

Provision of information on the option to call for evidence in court trial does not seem routine. Only 1 interviewed victim was informed that she could call for evidence she considered relevant. Apart from 1 other victim who could not recall whether she was informed, and 2 interviewees who had not (yet) had a trial, all 8 remaining victim interviewees state they were not informed on the option to call for evidence in court. V3 adds that in his case, the possibility to call for evidence was no longer relevant, as it was already clear what had been done to him and by whom: truth finding was therefore no longer an issue.

⁴⁸ NL/J/02 *"Ik kan me voorstellen dat vanwege de manier waarop het Nederlandse strafrecht werkt, in vergelijking met rechtssystemen in andere landen, vanuit een internationaal perspectief Nederlandse slachtoffers niet genoeg rechten hebben."*

⁴⁹ NL/V/10 *"Meerdere advocaten hebben mij achteraf letterlijk gezegd: dat huiselijk geweld en die geluidsopnames, daar heb je niks aan. De rechter kijkt daar niet naar. De rechter kijkt naar het belang van het kind. De rechter zet het kind nu zo centraal tussen beiden ouders in, dat het verhaal van HG door een rechter echt niet serieus wordt genomen. Daar ben ik zo van geschrokken. Ik ben echt zo het geloof in justitie verloren (...) Je voelt je niet gehoord in je rol als slachtoffer."*

5.2.4. During court trial, were the interviewees informed that they could ask questions or have questions being put to witnesses (Question V 5.4)?

Provision of information on the option to ask questions or have questions put to witnesses in court trial does not seem routine. Apart from V7 who does not recall whether she was informed, and V10 and V11 who had not (yet) had a trial, all 9 remaining victim interviewees state that they were not informed about the possibility to ask questions or have questions put to witnesses.

5.2.5. To what extent did the interviewed victims agree to the following statement (Question V 5.5)?

	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
Overall, I would have liked to have more opportunities to be involved in the proceedings.	2	5	3	1	1	12

There is no consensus on whether victims would have liked more opportunities to be involved in the proceedings: 7 out of 12 victims wanted greater opportunities to participate, and 4 did not. Interviewees provided little to no further explanations, but several of them explained not to be aware of any (additional) possibilities to be involved in the proceedings. V6, unsure about whether he wanted to be more involved, explains that he simply does not think it is possible to be more involved in the proceedings as a victim. Greater involvement would have required him to be more knowledgeable about the way the law works. He somewhat agrees with the idea that victims should be “kept at a distance” during proceedings, in order to guarantee a fair trial uninfluenced by excessive emotion. The fact that he would like “to smash the face of the offender” – so he states – does not help the process. For him personally, it would be inopportune to get more involved as a victim. V2 agreed upon the statement, explaining that in his opinion:

“We didn’t have any case, the Public Prosecutor had a case. It was a criminal case in which we could do nothing, ask nothing, say nothing. That’s at least what they told us. They said we had nothing to do with the case.” [NL/V/02]⁵⁰

⁵⁰ NL/V/02 *“We hadden geen zaak, het OM had een zaak. Het was een strafzaak waarin wij niets konden doen, niets vragen, niets zeggen. Dat is wat ze ons hebben verteld. Ze zeiden dat wij niets te maken hadden met de zaak.”*

6. Protection against secondary victimization

Views of practitioners

6.1.1. According to the practitioners interviewed, do the police on an individual basis assess whether measures need to be adopted in order to protect a victim of violent crime against secondary victimisation (Question Pr 6.1)?

In the Netherlands, the police is responsible for implementing the Individual Assessment (*Individuele Beoordeling*) measure. Created to prevent secondary victimization, it will be embedded in procedures in the near future. Implementation remains in an initial stage [P1]. A pilot study in two cities used a questionnaire to determine whether individual victims belong to specific vulnerable groups. This questionnaire will soon be used nationally. The next step will be to train police so that each officer will be able to execute the assessment process properly [P2]. As police officers themselves also indicate, the police are working on effective implementation but remain in the testing phase [S1].

The large majority of practitioners reiterate that secondary victimization is not (yet) a focus of the police [S2-S4]. Protecting victims of violent crime from secondary victimization at the moment happens incidentally [P2]. Whether it happens still largely depends on the individual police officer [P1].

On the other hand, public prosecutors J5 and J6 believe that police officers do look at the kind of victim sitting in front of them in the everyday practice of their work. Although this does not yet happen on a systematic basis, J6 believes that police try to ensure that they do not overburden victims, for example by repeatedly interviewing them. P2 also notes that police have already become much better at responding to victims emphatically.

Although the assessment to protect victims from secondary victimization is not yet well structured [P3], police already do protect certain *groups* of victims from secondary victimization. Protocols exist for vulnerable victims, including adolescents and people with a mental limitation [J2, L5].

6.1.2. According to interviewees, are measures adopted routinely in order to avoid that the victim is confronted with the offender

- a) in the court building during the trial or
- b) at other occasions (e.g. an identity parade or the recording of the victim's statement; Question Pr 6.2)?

Practitioners indicate that measures to avoid confrontations between victims and offenders are not routinely adopted. Nevertheless, the issue is usually considered, at the court house as well as at the police station.

Court houses are often not well equipped to separate victims and suspects (and their entourage). Most have a separate waiting room for victims, which they can use upon request [S1, L4, L5, J4-J6, P1]. The order in which people enter the court room can be planned in advance [S2]. J4 calls this "a very Dutch approach: very pragmatic". Especially when a victim indicates that (s)he is afraid of a confrontation [J3], the issue is attended to [S5]. L2 states that she is very aware of the possibility of a confrontation between victim and suspect, and notes that lawyers often take the initiative to ask for special measures and attention to this issue from the public prosecutor [L2, L3]. L2 notes that some public prosecutors are more attentive to such requests than others.

If victims arrive at the court house on their own, nobody will be there to advise them on how best to avoid a confrontation [S1]. L3 states it is not uncommon for a victim to be sitting in a waiting room next to the family of the suspect.

Once inside the courtroom, J2 states that a confrontation is sometimes unavoidable. Only substantial reasons will prevent a victim from being heard in court. If reasons are indeed substantial, a victim can also be heard outside of the context of the trial [J3].

At the police station, arrested suspects are often taken to an area strictly separated from areas where victims may come. It is nearly impossible for a victim to encounter or even see a suspect [P2]. But despite careful directing, accidental meetings cannot be totally prevented [P1].

Certain standardised procedures are recorded in protocols. When a victim is asked to identify a suspect, it will be discussed whether the victim is willing and able to do this. Identification can be done by means of photographs or through a one-way mirror [P2, P3].

Finally, specialized police officers are highly aware of the issue, for instance officers of the Team Largescale Actions (*Team Grootschalig Optreden*), a task force of police officers and officials of the Public Prosecution Service formed to conduct a police investigation on a complex case with high social impact, and those who deal with sexual offences, murder and manslaughter [P2].

6.1.3. According to interviewees, do victims have a right to ask to be interviewed by or through a professional trained for that purpose (Question Pr 6.3)?

According to the majority of interviewed practitioners, being interviewed by a trained professional is not a right for all victims [S1]. Being interviewed by a professional can be desirable as it might carry more weight during trial, but victims cannot derive rights from this [S2, L5, J6]. Victims may file a request, but it is the judge who decides to grant this request [S5, J5]. It is the responsibility of the government to provide a suitable professional [J5].

For specific categories of victims, being interviewed by a specialized person is a right. For example, it is a right for victims of sexual assault [S3, L1] as well as for mentally handicapped or minor victims [L3, L4, J1-J4, P1, P2]. However, there are not enough of these professionals [S3, P4], which results in waiting lists for victims to talk to such a person, while there is usually limited time [S3]. Therefore, this right is not always exercised in practice [P5].

L3 indicates that giving certain types of victims special treatment seems to her like nonsense: in the proceedings, the professionals involved should be able to ask questions without restrictions. J4 also notes that judges are expected to be able to talk to all sorts of victims. L3 adds that professionals could be better prepared and consider the circumstances of victims while interviewing them.

6.1.4. Can victims ask to be interviewed before the court trial and to have their statement audio-video recorded and played during the court trial (Question Pr 6.4)?

The answer to this question is not straightforward. Some practitioners [S3, S5, L2, P1, P3] are unable to answer as they are unfamiliar with the rules on the matter. Professionals who claim to know give answers that vary greatly (between as well as within professional categories). Moreover, most practitioners only answer a part of the question: they either elaborate on the possibility of being heard before (or even during) the trial, or the option to have a statement audio-video recorded and played during court trial.

P2 and P4 believe that victims have the right to be interviewed before the court trial and to have their statement audio-video recorded and played during the trial. They have also observed this happening in practice. P2 believes that with violent crimes, victims have the right to be interviewed in court. In contrast, L3 and L4 state that a right to be heard during trial does not exist, but that it can be done on request; the judge decides. Others state that the public prosecutor decides [L1, P5].

S1 and S4 state that the right to speak cannot be stretched to the right of playing audio or video of a statement, but that the right to speak only applies to the actual trial hearing.

L5 and J4 state that asking to be heard is not a right and cannot be requested by a victim. The recording and playing of audio is also not a right, but this can be requested and granted by the public prosecutor [S1, S4]. However, it is not granted regularly [S2]. Exceptionally, audio- and video-interviews are used in trial [J2].

J1 and J3 state that in severe crime cases (jail sentences of over 12 years), the statement of a victim is *obliged* to be recorded on audio and video. In practice, however, this rule is not always obeyed [J1]. In any case, J5 notes that audio or video is never played at the initiative of the victim. J6 has never encountered it in practice, and does not know if she would find it desirable.

6.1.5. According to the interviewed practitioners, do victims have a right to ask, during the court trial, to be heard without the presence of the public (Question Pr 6.5)

The majority of interviewed practitioners agree that victims can ask, but may not claim the right, to be heard without presence of the public. According to S2, it is certainly not a right, as the interests of the offender to hear and verify the testimony will probably be perceived as being of greater importance than protecting the victim.

According to L5, by principle the Dutch court does not close its doors: it happens only in rare cases and with much effort [L5]. A request can be filed by a representative of a victim [S4], and must happen before a trial commences [S5], but whether this is granted depends on the judge [S1, L4, J4]. The magistrate judge has the authority to ask the public to leave the court room [S1, L4]. J1 and J2 add that such requests are only granted when the safety – or the privacy [J3] – of a victim is at stake. J6 also believes that the public is only an audience, and should be sent out if its presence impedes a victim's ability to talk.

In contrast, L3 states that victims are *not* entitled to ask for the public to be absent during the hearing, but that the victim can indeed request to be heard in a separate environment. These requests are granted in the majority of cases, especially if a public hearing is too stressful [L3] and the inability of a victim to talk in front of an audience intervenes with finding the truth (*waarheidsvinding*) [J3]. L2 notes that it is indeed possible for a victim to not be present at a trial, and to follow the proceedings via a video-connection [L1, L2].

6.1.6. According to the interviewees, do victims of sexual or gender-based violence have a right to ask that they are interviewed by a person of their sex (Question Pr 6.6)?

Interviewees provide variable answers to the question of whether victims of sexual or gender-based violence have a right to ask that they be interviewed by a person of their sex. 4 out of 21 professionals [L3, L4, J1, J6] are unsure whether this is the case. 5 out of 21 professionals [L5, S1, S2, L1, P3] state that this is not a right, but that it can be requested [S1, S2] and arranged in practice [L1]. P3 states that victims do not have this right, noting that police officers have a generic task and are entitled to serve all individuals. If people specifically ask about this possibility, police will see whether it exists. He knows that in some cases, individual needs are met. It is up to the individual officer, he says, to assess whether the demand is appropriate.

The remaining 12 practitioners state that asking to be interviewed by a person of their sex is a right enjoyed by victims. S5, L2 and J2 even state that it is standard procedure to check whether victims want to use this right. P2 adds that, especially for victims of sexual or gender-based violence, the police make great efforts to grant such requests.

However, several interviewees indicate that there are limitations to the effectuation of this right. S3 notes that using this right prolongs the process [S3], and P1 notes that people are not aware they have this right, so it is rarely applied in practice. Finally, J3, J4 and J5 note that there are limits to this right when it comes to the selection of judges: a victim has no say in this.

6.1.7. From their practical experience, did the interviewed practitioners believe that restraint is exercised ensuring that victims are not asked questions about their private or family life unless necessary (Question Pr 6.7)?

Victim support services

According to 3 out of 5 practitioners working in the victim support services [S1, S2 and S4], lawyers and police officers do not always exercise caution. S1 notes that lawyers of suspects have no interest in considering the consequences of their questions for victims. S5 notes that good lawyers use restraint. According to S1, it is the responsibility of the magistrate judge to protect the victim by ruling out irrelevant questions on private/sensitive topics [S2]. The extent to which this happens varies in practice, depending on the individual judge [S1]. S2 states that a lot of unnecessary private information about victims is written down in police reports. Sometimes judges are too protective – they assess that a specific question will be too much for the victim, although many victims are perfectly able to tell their story and benefit from the opportunity to do so [S2].

Lawyers

Other than L1, who claims that victims are never asked irrelevant questions, the four remaining lawyers were unanimous in stating that the interests of the case always take precedence over the interests of the victim. Awareness of sensitivities is not always the case. L2 claims that no real restraint is exercised, for example when it comes to victims of sexual crimes (which would usually be regarded as a group of victims in a vulnerable position, therefore justifying constraint). In these cases, it seems that the vulnerable position of the victims is even exploited by the lawyers of the defence. She states:

“I’m not really under the impression that any restraint is exercised. Questions are asked or remarks are made often by the defence. Such as ‘you have always been a slut’. That’s very common.” [NL/L/02]⁵¹

These kinds of remarks are especially made by the defence. L3 explains that criminal law in the Netherlands generally leaves a lot of room to ask questions in the interests of the defence, thereby neglecting the interests of victims. L4 states:

“Especially lawyers of suspects really cross limits of decency, really go much too far in this, it is disastrous for victims who are present at a trial. They cannot respond to these insulting statements anymore, because they exercise their right to speak at an earlier stage in the trial.” [NL/L/04]⁵²

This quote shows that not only the actual comments of lawyers of the defence (which are apparently not checked or limited by the court) can have a negative impact on the victim, but that the specific situation in court, i.e. the victim being in a passive position at that point, adds to the damage done.

Judges / public prosecutors

Judges and public prosecutors generally state the contrary, namely that restraint in questioning is exercised [J2-J4, J6, J1 provides no clear answer]. Judges pay particular attention to compliance with this rule [J3]. However, there needs to be sufficient room for the defending party to ask questions, while private issues are at times relevant to the case [J3]. But either way, J4 argues, “In the Netherlands we do not have this culture with character witnesses. So they do not go that far [in their questioning].” Public prosecutor J5 is the single interviewee in this

⁵¹ NL/L/02 *“Ik heb niet echt de indruk dat er terughoudend wordt gehandeld. Vragen worden gesteld of opmerkingen gemaakt bij de verdediging. Zoals ‘je bent altijd een slet geweest’. Dat is heel normaal.”*

⁵² NL/L/04 *“Vooral advocaten van verdachten overtreden de grenzen, ze gaan hier echt veel te ver in, het is verschrikkelijk voor slachtoffers die bij de zaak aanwezig zijn. Ze kunnen niet meer reageren op deze beledigende opmerkingen, omdat ze al eerder in de zaak een beroep hebben gedaan op hun recht op spreken.”*

group who states the opposite, namely that too little restraint is exercised: “This is where the victim’s rights and the interests of the suspect start to clash the most.”

Police

The police unanimously believe that restraint is exercised when asking questions about irrelevant private issues. However, P2 stresses that questions about a victim’s private or family life are often relevant. They are especially important in cases of violence: a police officer will often start by asking such questions, which may concern a person’s job or relationship.

The majority of practitioners from all categories *except* lawyers note that restraint is exercised to ensure that victims are not asked questions about their private or family life. Lawyers (together with the police) mostly carry out the task of asking these questions. Lawyers are straightforward in believing that few limitations exist as to the type of questions asked by the defending party.

6.1.8. According to interviewees, can victims be subjected to a medical examination without their free consent (Question Pr 6.8)?

All practitioners except one [L5] state that victims cannot be subjected to a medical examination without their consent. However, S2 states that victims are sometimes pressured to cooperate, especially in cases of domestic violence:

“Victims can always refuse medical examination but this will have consequences. But victims will be put under pressure when they are not willing to be subjected to a medical examination. Victims are told that they do cooperate in solving their problems. Victims are seen as co-offender and a danger to the children.”
[NL/S/05]⁵³

P5 indicates that if a victim refuses medical examination, the case often does not proceed due to lack of evidence. S4 notes that victims who refuse are informed of these consequences, but they are still not obliged. L5 notes that very exceptionally, when a victim is unable to give consent (e.g. when unconscious), a medical examination may take place without consent.

6.1.9. Did the interviewees agree to the following statements (Question Pr 6.9)?

6.1.9.1 The police attach great importance to treating victims in a respectful and sympathetic manner.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
S	0	3	2	0	0	5
P	3	2	0	0	0	5
J	0	4	0	0	2	6
L	0	4	0	0	1	5

⁵³ NL/S/05 “Nee, je mag altijd weigeren, maar het heeft wel gevolgen, zit wel een vorm van dwang aan vast. Als je niet meewerkt, mensen worden onder druk gezet. Wordt gezegd dat je niet meewerkt aan oplossen van de situatie. Je wordt mededader en een gevaar voor je kinderen.”

6.1.9.2. The police perceive the victim primarily as a witness and hence as a means to the end of a successful investigation.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
S	0	2	1	0	2	5
P	0	1	3	1	0	5
J	0	0	1	0	5	6
L	0	3	0	0	2	5
6.1.9.3. Public prosecutors and judges attach great importance to treating victims in a respectful and sympathetic manner.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
S	0	3	1	0	1	5
P	0	3	1	0	1	5
J	0	6	0	0	0	6
L	0	3	2	0	0	5
6.1.9.4. Public prosecutors and judges don't see the victim as playing a central role in criminal proceedings.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
S	1	1	1	0	2	5
P	0	0	1	0	4	5
J	0	2	4	0	0	6
L	0	2	1	1	1	5

As these statements refer to the views and actions of the police and the public prosecutors, it is interesting to see how the different target groups assess the statements. Regarding the first question, it is notable that all target groups agree with the general assessment that the police attach great importance to treating victims in a respectful and sympathetic manner. The only group that voices some reservations are the victim support service employees. There is more disagreement on the question whether police perceive the victim primarily as a victim. Especially support service employees and lawyers subscribe to this rather critical view of police attitudes, which is contradicted by police officers themselves. The judges and prosecutors generally seem to prefer not to speculate on the views of police in this regard.

When it comes to the attitudes and actions of public prosecutors and judges, there is overall agreement that public prosecutors and judges attach great importance to treating victims in a respectful and sympathetic manner, with some reservations in the group of lawyers. J4 states:

"Most of the judges of course do this, yes, but bear in mind that it always concerns an interaction between a judge and a victim or offender. And like offenders, victims can be very unpleasant people as well. So sure, generally people are treated with utmost respect, but if they are very annoying, they can also be sent away from the court room." [NL/J/04]⁵⁴

P3 emphasizes the fact that the way in which victims are being treated by Public Prosecutors in particular depends highly on the individuals involved in the proceedings. This interviewee explains this by referring to the apparently great liberties prosecutors take in their own definition of their role and methods. This emphasis on personal factors (which is mentioned in several contexts in this report) calls into question the effectiveness of formal guidelines and frameworks. In the words of the interviewee:

"In my experience I know many differences exist between individual Public Prosecutors and the attention they have for victims. I'm under the impression that many prosecutors work as if they are self-employed contractors. They go their own way and are often reluctant to work according to the settled agreements. This is disadvantageous for the victims involved." [NL/P/03]⁵⁵

In this context, it is interesting to see how one of the public prosecutors emphasizes the difficult position public prosecutors find themselves in. A sympathetic treatment of victims does not lie at the core of the public prosecutor's responsibility, according to this interviewee::

"I think the position of the Public Prosecution Service should be better understood. The PPS is not a Social Work. Sometimes, too much of an appeal is done on the public prosecutor if they need to take the problems and emotions of the victim into account, whereas these problems belong in therapy rooms. Since public prosecutors are not educated to handle this, I draw the line at that point." [NL/J/02]⁵⁶

Besides this point, all groups of practitioners emphasise that professionals in the field have to get used to the extended rights of victims. This also plays a part when it comes to the way in which victims are being treated by the public prosecutors and judges, as one interviewee from the J category explains::

"Older judges for example, are less victim-minded in general, because they started working in a different system. Younger judges are simply more accustomed to working in a system where the victim has something to say as well. But as a mission statement: yes, the new generations of judges have victims' rights between their ears" [NL/J/03].⁵⁷

There is some disagreement regarding the question whether public prosecutors and judges see the victim as playing a central role in criminal proceedings, also within the group of judges and prosecutors themselves. A majority of judges and prosecutors thinks that their professional group does see the victims as playing a central role in the proceedings, whereas the support service employees and lawyers are more likely to think that they do not. Police officers are hesitant to react to this statement and respond that they do not know whether they agree with it.

⁵⁴ NL/J/04 "De meest rechters doen dit natuurlijk, maar vergeet niet dat het altijd een interactie tussen een rechter en een slachtoffer of verdachte betreft. En net als verdachten kunnen slachtoffers erg onprettige mensen zijn. Dus natuurlijk, over het algemeen worden mensen met veel respect behandeld, maar als ze heel irritant zijn, kan het zijn dat ze de rechtszaal uit worden gestuurd."

⁵⁵ NL/P/03 "Mijn ervaring is dat er veel verschil bestaat tussen individuele officiers en de aandacht die de hebben voor slachtoffers. Ik denk dat veel OVJ's werken alsof ze ZZP'ers zijn. Ze gaan hun eigen gang en zijn nalatig als het gaat om werken volgens een bepaalde standaard. Dit is nadelig voor de betrokken slachtoffers."

⁵⁶ NL/J/02 "Ik denk dat de positie van het OM begrepen moet worden. Het OM is geen sociaal werk. Soms wordt er te veel gevraagd van de aanklager, dat zij rekening moeten houden met de behoeften en problemen van het slachtoffer, terwijl deze problemen in de therapiekamer thuishoren. Omdat aanklagers niet opgeleid zijn om daarmee om te gaan, zet ik daar een lijn."

⁵⁷ NL/J/03 "Oudere rechters zijn bijvoorbeeld minder slachtoffer-minded over het algemeen, omdat zij begonnen zijn met werken in een ander systeem. Jonger rechters zijn gewoon meer gewend aan het werken in een systeem waar het slachtoffer ook iets te zeggen heeft. Maar als missiestatement: ja, de nieuwe generatie van rechters "hebben slachtofferrechten tussen de oren"

Views of victims

- 6.1.10. According to the victims interviewed, did the police assess the need to protect them against secondary victimisation, in particular as concerns the risk of them being confronted with offenders in an unprotected manner or the risk of interviewees having to testify within a setting that is not sufficiently protective and sympathetic (Question V 6.1)?

Except for 1 out of 12 cases, the police did not actively inquire about the need to protect the victim-interviewee from secondary victimisation. V11 explains that this is the task of the organisation Safe at Home (*Veilig Thuis*), which assesses the risks and decides on what is needed. V4 and V6 were advised by the police to stay away from the offender V1 explained how the police adhered to her request not to be confronted with the offender during her trial, but assured that she was the one who asked for this measure and it was not automatically arranged for her. In the one case where the police did actively ask whether the victim needed protection, they tried to ensure that V7 and his wife would not encounter the offender.

- 6.1.11. Did the interviewed victims feel, at any time, exposed to a confrontation with the offender in a situation that the interviewee experienced as intimidating or stressful (Question V 6.2)?

9 out of 12 interviewees were not confronted with the offender at all. V5 states that her husband was confronted with the offender once, but as he was accompanied by the police at the time, he did not feel threatened. V3 describes the question as non-applicable as the offender was his son and he “has never had a problem with any confrontation”.

V6 and V11 did run into their offender. Both experienced it as very intimidating. V11 explains that although he was terrified of being in the same room, he always felt safe and protected in court. V6 elaborated on the support given him by the National Victim Support Service on how to behave in court. Although the experience was nerve-wrecking, he was glad he attended the trial.

- 6.1.12. When the police took the statement of the interviewees, did the latter experience the setting as safe and comfortable? How did the interviewees describe the situation (Question V 6.3)?

Two-thirds of interviewees (8/12) described the setting as calm, safe or fine. One interviewee did not mention anything about the setting in which the interviews took place.

The remaining three interviewees were outspokenly negative about the setting. V2 was asked questions while in hospital, a situation he describes as ridiculous.

“How can you interview someone with brain damage as soon as he wakes up?” [NL/V02]⁵⁸

He also lacked the support of his wife as the police arrived before she did. He would have liked her to be present during the interview. Due to his injury, his character had changed. His partner stayed in touch with the police to get information about the proceedings but the police did not take her seriously, did not respond to her anxiety, and did not provide her with information.

During the second interview in his home, V2 felt that he was being treated as an offender. This was also experienced by V4. V10 mentions that the setting was uncomfortable as she was interviewed by a male officer who behaved unprofessionally and made inappropriate jokes.

⁵⁸ NL/V02 “Hoe kun je iemand interviewen die hersenschade heeft op het moment dat hij wakker wordt?”

6.1.13. When the interviewees were heard during court trial, did this happen in a setting that they experienced as safe and comfortable? How did the interviewees describe the situation (Question V 6.4)?

Only 3 out of 12 interviewees were heard during trial. 2 of them [V3, V7] did not elaborate on their experience. V9 stated it was a big relief for her that the offender was not present. She pleads for a two-phase process in cases of domestic violence where there is no contact between the the victim and the representative of the offender, since in her case the lawyer of the offender was present, talking on the offenders behalf, which she experienced to be very threatening.

6.1.14. Were the interviewees asked questions about their private or family life that they considered inappropriate or unnecessary (Question V 6.5)?

All interviewees agree that no inappropriate or unnecessary questions were asked. In case questions were asked about private or family life, these were relevant to the case. While V4 reported that a judge asked him whether he was still taking his medication, he did not specify whether he thought this an inappropriate or unnecessary question.

6.1.15. To what extent did the interviewed victims agree to the following statements (Question V 6.6)?

	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
6.2.6.1 Overall, it was difficult to understand and follow the course of the proceedings.	2	3	6	1	0	12
6.2.6.2 The police treated me in a respectful and sympathetic manner.	6	3	1	1	1	12
6.2.6.3 During the court trial I was treated in a respectful and sympathetic manner.	1	4	0	0	7	12
6.2.6.4 If I look back at the proceedings, there were moments when I experienced the presence of the offender as intimidating.	1	2	0	1	8	12

There is no clear consensus on the difficulties of understanding and following the course of the proceedings. 7 interviewees experienced no problem while 5 did. Of those who elaborated on why it was difficult, V4 mentions that "he did not know anything, only the time at which he had to be in court". V6 mentions that the entire legal story is not clear at all. Finding out what is going to happen, when, is very difficult. The length of the process can also contribute to the feeling of being wronged. As has been mentioned before, especially the information provision is seen as unhelpful and confusing. This is not necessarily the case for the victims interviewed themselves, but they see it as a more general problem, also affecting other victims, as is expressed by V7:

“For people who are not so assertive, or less literate, do not look for information by themselves, those people really need to be more effectively informed. The communication towards those people needs to be improved” [NL/V/07]⁵⁹

According to V11, some specific issues have an adverse effect on the ability of domestic violence victims to understand and follow the course of proceedings. This refers to the previously mentioned concern that victims of domestic violence sometimes experience that they lose control over their own situation, since different institutions start focusing strongly on their case, without them being consulted or retaining influence. For this individual interviewee it was difficult to understand and follow the course of the proceedings, and she therefore provides the idea of a case manager for domestic violence cases who should always be involved in all the steps that are taken, since in the present situation organizations operate in a standardised and automatic approach, sometimes without the victim being aware of what is going on. This demand is expressed in the following quote:

“In these kinds of heavy cases, there needs to be a case manager involved who decides what is needed, and which organizations need to be involved. Instead of all these different organizations that do all sorts of things behind your back” [NL/V/11].⁶⁰

3 out of 12 interviewed victims did not feel that they were treated respectfully and/or sympathetically by the police. Of the 9 who felt well treated, 6 strongly agreed that they were treated with respect and sympathy.

All those who had a court trial agreed that they were treated with respect and sympathy during the trial. Among the victims whose offenders were present at the trial, 3 out of 4 experienced the offender's presence as intimidating.

⁵⁹ NL/V/07 *“Voor mensen die niet ondernemend zijn of wat minder geletterd, zelf dingen uitzoeken, die moeten echt beter geïnformeerd worden. De communicatie naar die mensen toe moet veel beter.”*

⁶⁰ NL/V/11 *“Er is bij dit soort [huiselijk geweld] zaken gewoon een casemanager nodig die besluit wie is er nodig, welke instellingen moeten worden betrokken. In plaats van dat er instanties achter je rug om met van alles aan de slag gaan.”*

7. Protection against repeat victimization

7a) Cases not involving domestic violence

Views of practitioners

7.1.1. According to the practitioners interviewed, do the police on a regular basis assess whether measures need to be adopted in order to protect the victim against repeat victimisation (Question Pr 7.1)?

9 out of 21 interviewees state that the police do not routinely assess whether measures are needed to protect the victim from repeat victimisation. L1 notes that instruments to do so are limited, but that the police are generally sensitive to physical threat. L2 thinks protection should get more attention.

7 interviewees state that the police do make this assessment or that it depends on the situation. P1 indicates that it does happen, but not sufficiently and not in a structured manner. She adds that the police are working on measures to structurally apply the assessment and protection, in accordance with the EU directive that states that vulnerable victims must be protected. P3 and P5 make similar statements, adding that they think the situation will improve once the police begin their systematic individual assessment in the last quarter of 2017. P2 states that most police officers are unaware of the possibilities to keep victims and offenders separated, but that when victims specifically ask to be protected, officers will generally try to meet their needs. J6 notes that this is not the task of the police, but of the public prosecutor. J1 and P4 note that the attention paid to protection depends on the weight of the case. 5 interviewees state that they do not know whether the police make this assessment.

7.1.2. Apart from domestic violence, are there other areas of crime where the police routinely focus on protecting the victim against repeat victimisation (Question Pr 7.2)?

2 out of 21 interviews reply “no” while most think there are other crimes where the police focus on victim protection. Conflicts between neighbours are mentioned by L1 and J6, which often involves moving the victim to a different location. L1 also mentions dog attacks and attacks aimed at children. P5 and L3 indicate that it mainly depends on the victim’s vulnerability. Vulnerable victims may be minors, victims of human trafficking, or people with a mental disability. P1 and P3 both think discrimination is a red flag for the police. P3 adds that from 1 May 2017, a trajectory for victims of severe crimes (extreme violence) who are feared to fall victim again or are expected to encounter violence on a regular basis (shop owners, employees of clubs, school staff) will be given more attention. Sexual abuse/exploitation is mentioned by 3 interviewees, while P4 adds honour-related crimes. P2 thinks the police routinely focus on victim protection in cases of stalking, sexting and serious threats. He believes that while the chances of repeat victimisation are sometimes underestimated, the police are improving, and mentions the questionnaire developed and published online (as an example) to assess the likelihood of a stalker becoming a serious threat. S2 indicates that when it comes to LGBTIs, the police invest in network meetings and listen to signals from within the community regarding increasing violence.

Views of victims

7.1.3. When the interviewed victims first talked to the police, did the police assess whether they were in need of protection against repeat victimisation or retaliation (Question V 7.1)?

2 out of 12 interviewed victims state that they received police protection upon first contact with the police. The other 10 did not receive police protection. 3 of them were scared that the offender would come for them again. V2 explains that especially his partner was scared as their children were involved in the attack and the offender lived in the same village. They thus asked for police protection, which was denied. V6 took matters into his own hands by

arranging for a bodyguard. V1 was not explicitly consulted about her need for protection, but expressed her fear to go home alone at night and the police offered to accompany her from the bus stop to her home:

“(Protection) is not directly the first thing you think about (when something happens), it just occurred to me later when I had to cross that street again, and also “jee, how do I have to do that’, you know?! That is really scary then, and they understood that.” [NL/V/01]⁶¹

7.1.4. In cases where the police found that the interviewee was in need of protection measures, which measures were adopted by the police? How did victims assess the effectiveness of these measures (Question V 7.2)?

V3 explains that his son, who at the time still lived at home, was given a restraining order. He adds that the police were aware of the risks but that the public prosecutors did not care about protection during the proceedings and charges. V12 elaborates on how the police advised her not to invite the offender’s family into her house (the assault had just taken place at a birthday party) as they deemed it likely the family would become violent as well. In addition, the police provided “Notification on Location” (*Melding op Locatie*). This means that the home address of the victim is registered in the police system as a prioritised address in cases of an emergency call from that address. This measure is imposed in cases of domestic violence, stalking, threats and other cases where the risk of repeat victimisation is high. V12 made use of this measure once and found it highly effective as the police arrived quickly. In V6’s case, the police decided on surveillance following several attempts by the offender to attack again, despite bodyguard protection. A police officer regularly drove through the neighbourhood, updating the victim about the offender’s whereabouts when necessary.

7b) Domestic violence

Views of practitioners

7.1.5. As concerns cases of domestic violence, what are the standard procedures followed by the police in such cases in order to assess the need for immediate protection measures (Question Pr 7.3)?

P2 explains that when a suspect is caught red-handed, (s)he will be arrested immediately and detained overnight while police confer with the public prosecutor on imposing a restraining order. In the interview, the victim will be asked whether (s)he wants to start a civil procedure for a prolonged restraining order. The police will refer the victim to Victim Support the Netherlands (*Slachtofferhulp Nederland*).

Several practitioners also mention the possibility of moving the victim to a safe house. When legal measures are impossible and the suspect cannot be arrested, the police will try to arrange a “stop talk” (*stopgesprek*) in which the suspect is urged to move out of the house and to refrain from contacting the victim.

Another possibility is the instalment of an “Aware System” (Abused Women’s Active Response Emergency). In order to install an Aware connection, the victim must file a complaint. S4, however, notes that Aware – which includes a so-called panic button that the victim may press when in danger to alert the police – might merely provide a false sense of security, as the level of follow-up depends on police staffing/capacity.

Other customised measures may also be implemented, e.g. asking the victim to temporarily move in with another relative. P1, P3 and S1 refer to the possibility of imposing a temporary 3-day house ban, a measure that can be imposed on the authority of the mayor. The ban takes into account whether the suspect has been in previous contact with the police, whether alcohol or drugs are involved, and if children’s safety is at stake. The safety of

⁶¹ NL/V/01 *“Ja, dat is niet direct het allereerste waar je aan denkt dan, het drong pas later tot me door dat ik weer over die straat moest, en ook ‘jeetje, hoe moet dat dan’ he?! Dat is ook echt angstig dan en dat begrepen ze ook wel.”*

children is generally given priority. Several interviewees mention that Child Protection and Youth Care (*Kinderbescherming* and *Jeugdzorg*) will always be involved. P1 notes that family members are always interviewed separately.

7.1.6. In cases of domestic violence, what are the standard procedures followed by the police when there is a need for immediate protection measures (e.g. advising the victim to move to a shelter, arresting or banishing the offender)? From the point of view of the practitioners interviewed, how effectively are these protection measures implemented (Question Pr 7.4)?

Interviewees referred to restraining orders or house bans in order to bring tranquillity to the family. Overall, this is seen as one of the first priorities by police in cases of domestic violence, especially when children are involved. The aforementioned Aware System was also mentioned, as was the possibility of finding an emergency bed for the victim in a safe house. P2, however, notes that it is preferred to first look within a victim's social network for temporary shelter.

J1 notes that when declarations of domestic violence are withdrawn, the public prosecutor decides whether offenders should be prosecuted as they may still pose an immediate threat. The public prosecutor is thus not dependent on the victim filing a report or pressing charges. The threat level is one of the aspects taken into account by the public prosecution, in addition to the regular factors such as the indications of evidence and the likelihood of successful prosecution. J5 and S4 note that once a restraining order is in place, the role of the police is eclipsed by that of specialist organisations.

S1 notes that "Notification on Location" (*Melding op Locatie*) may be deployed, which means that if the victim calls 112, the police will come immediately. In addition, the neighbourhood officer may keep an eye on the situation and mediate when necessary. S5 adds that accelerated procedures may be started, in which case the Public Prosecution Service is given greater powers and access to case files to decide whether the danger is urgent.

S3 notes that these measures are generally effective but that there is always room for improvement. P1 assumes that not all police officers will take the required 90 minutes to fill in the risk assessment questionnaire properly. P4 states that the above-mentioned measures take a lot of time and extensive paper work. L5 notes that measures vary regionally.

7.1.7. If the police learn of a case of domestic violence, do they routinely inform a victim support service? If yes, would it be a generic or a specialist support service (Question Pr 7.5)?

Most professionals note that Safe at Home (*Veilig Thuis*) is usually automatically notified by the police, although this is actually more of an instrument to offer direct protection to the victim. Even though multiple organisations for victim support exist, the police refer as many victims as possible to Victim Support the Netherlands. P1 notes that restorative mediation usually takes place through "*Slachtoffer in beeld*" (victim-offender dialogue) while the Violent Offences Fund (*Schadefonds Geweldsmisdrijven*) is used for damage claims. When children are involved, a care report is drafted with the Youth Care Agency (*Bureau Jeugdzorg*) and the Child Care Protection Board (*Raad voor de Kinderbescherming*). Several interviewees also mentioned Safe at Home. S2, however, believes that this organisation does not belong in the category of victim support as it focuses mainly on security measures.

P1 however experiences a difference between theory and practice in the context of referral of domestic violence victims to support services:

"It doesn't happen enough but it's a protective measure. So a cordial transfer, either to a colleague or to an institution. So for this it's also the case that it occurs too coincidentally, but we want it to become second

nature that those are also just tools and instruments to actually offer that legal protection. It does happen though, in cases, but it's not happening often enough, I'm sure of that." [NL/P/01]⁶²

While emotional support can be found at the support centre within *Safe at Home*, S2 thinks the barrier to approach these partner organisations is too high. P4 mentions the Victim Information Counter (*Slachtofferloket*), a joint initiative of the police, the National Victim Support Service and social work. P2 states that cases of domestic violence are automatically sent to Safety House (*Veiligheidshuis*), which offers support to victims of domestic violence. P3 says that both *Safe at Home* and Safety House are automatically involved and notes that a national debate is currently taking place on whether more involvement of the National Victim Support Service is necessary as *Safe at Home* focusses solely on problems within the family while Safety House does not offer legal or emotional support.

7.1.8. In routine cases of domestic violence, are the protection measures adopted by the police followed up by court orders? If yes, which courts adopt such orders and for which time span? How do the interviewed practitioners assess the effectiveness of these orders (Question Pr 7.6)?

Practitioners indicate that this matter is profoundly complex. Many are unable to provide an answer to the question. The ones who do provide an answer refer to a multi-sided set of rules and conditions regarding who follows who in protective measures, and who has the authority to summon what sort of measures and for how long.

S1 notes that, in case of summoning, a behavioural measure such as a restraining order can be imposed by the public prosecutor until the hearing. The law lays down what is allowed and what is not, and for what duration the measure may be imposed [S1]. Different time-spans exist for different kinds of measures [P5]. A domestic restraining order can last up to two weeks but can be extended, and transgression of the order can be punished [S5].

S2 explains that the majority of domestic violence cases take place via ZSM (quick trial for common crimes). The National Victim Support Service contacts the reporting victim. The police checks whether direct protection measures such as a restriction to enter the house are needed, which are then approved by the mayor of the city. The National Victim Support Service makes an assessment together with the police whether legal measures such as restriction orders are needed. The victim support service advises the police in these cases. Some cases are not dealt with via ZSM. In this scenario, the Public Prosecution Service has to decide ex-officio if any measures should be taken. L3 states that in cases of domestic violence, engaging the support services can be a protective measure in itself, although this is not really a measure but more a form of guidance/coaching for suspects of domestic violence. S2 emphasizes however that if protection measures adopted by the police are followed up by court orders, the victim is often not informed and claims that this is problematic, especially since the defending party is informed and the perceived victim not:

"A big problem in practice is that if an order is imposed, the victim is not regularly informed about it. No letter is sent. This can happen manually, if the public prosecutor thinks of it, but it depends on that. In practice this means that most of the victims are not informed, aside from maybe a quick phone call if there no decision about the measure has been taken. So the victim does not know it often, and the police also doesn't know it, the only one who knows about it is the public prosecution service. The police can't access the system of the public prosecutor, so cannot check digitally whether a measure is

⁶² NL/P/01 "Het gebeurt niet genoeg, maar het is een beschermende maatregel. Een warme overdracht, of naar een collega of naar een andere instelling, dat is belangrijk. Ook hierbij is het feit dat het te incidenteel gebeurt, maar we willen dat het een tweede natuur wordt, dat dat ook tools en instrumenten zijn die ook legale bescherming bieden. Het gebeurt wel, maar niet vaak genoeg, daar ben ik zeker van."

imposed or not. They can call the public prosecution service, but then it is often difficult to find out, so in many cases it remains unclear for the victim. The defendant of course knows about it.” [NL/S/02]⁶³

A judge can include different kinds of measures when convicting [S1]. All court houses have the authority to do so. If a suspect is detained, the supervisory judge can decide to extend the detention during the trial [P5, S1].

J5 critically rephrases the question and states that it is the other way around: a protection measure is not followed by, but rather, *based* upon a court order. According to J6 as well as L3, it is not the police who orders or adopts these measures. This is done by the public prosecutor. The police are possibly, but not evidently, involved in the enforcement of protective measures.

P1 notes that protective measures that can be imposed by the police have no legal consequences. P2 adds that protection measures adopted by the police are not yet routinely followed by court proceedings and court orders. The police, however, advises the Public Prosecution Service which decides what should happen in each specific case [P3]. Depending on the actions taken and the information provided, the police are able to implement these measures. A pilot project in Arnhem and Maastricht addressed cooperation between the police, victim support organizations and the Public Prosecution Service, among others – the so-called “chain approach” (*ketenaanpak*). There is also a national project manager tasked with improving the chain approach. P1 explains that this exchange of information is crucial. When the police allow a victim to provide another address and phone number for safety reasons, the Public Prosecution Service needs to know this in order for mail to be sent to the right address. Or when a victim has filed a complaint anonymously, this anonymity should be guaranteed during all stages of the criminal procedure. P1 further underlines the importance of the public prosecutor being aware of the protective measures imposed by the police. It is possible that at a later point in the process, the victim becomes vulnerable again or that the situation otherwise changes.

No practitioners describe protective measures as ineffective. However, they have different views on the *degree* of effectiveness and the conditions under which the measures are effective.

According to S1, “the implementation is fine”. Measures are effective so long as the victim also abides by them. Sometimes when a house ban is imposed, the suspect and victim are together again the next day. If a restraining order is in force, the suspect is then in violation. J1 also believes that restraining orders and suspensions by the Public Prosecution Service are effective. All organizations, including Safe at Home and the probation service, act in response to restraining orders; offenders who break the restraining order may be imprisoned. A prerequisite is that the police are “on top of things” [J1]. J6 notes that the effectiveness of protection measures largely depends on the level of enforcement. P3 adds that although the police are well organized, they can only act when they are informed. It has happened that the offender is in front of the victim’s home before the police are even informed that he has been released. The Public Prosecution Service should consider the possible risks for the victim; the police cannot be held responsible for this.

S2 notes that problems mostly occur in the sharing of information, when decisions are made by the public prosecutor but not shared with the police and the victim, which happens regularly. Since the police and victim cannot access the system of the Public Prosecution Service, no one is up to date. Calling the Public Prosecution

⁶³ NL/S/02 “Een groot probleem in de praktijk is dat als er iets wordt opgelegd, het slachtoffer hierover niet standaard wordt geïnformeerd. Er gaat geen brief uit. Dit kan handmatig als het OM/de officier hier aandacht voor heeft, hiervan is het afhankelijk. In de praktijk heeft dit tot gevolg dat het gros van de slachtoffers hierover niet wordt geïnformeerd, buiten misschien een telefoontje als er nog geen beslissing over de maatregel(en) is genomen. Dus het slachtoffer weet het vaak niet en de politie weet het ook niet, de enige die het weet is het OM. De politie kan ook niet het systeem van het OM, dus kan niet digitaal controleren of er een maatregel is opgelegd of niet. Bellen naar het OM kan wel, maar dan is het vaak lastig achterhalen, dus in veel zaken blijft onduidelijk voor het slachtoffer. De verdachte weet het natuurlijk wel.”

Service often does not yield the information; in many cases the verdict remains a mystery and the only one who has been informed is the offender.

L4 states that the effectiveness of measures lies in the feeling of empowerment victims can gain. Especially the Aware System can give victims a sense of being in control.

7.1.9. Did the interviewees agree to the following statements (Question Pr 7.7)?

7.3.4.1 More needs to be done to effectively protect victims of domestic violence against repeat victimisation.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
S	0	4	0	0	1	5
P	0	1	3	0	1	5
J	1	0	2	0	3	6
L	2	1	1	0	1	5
7.3.4.2. A number of good practices are already in place for victims of domestic violence.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
S	0	3	1	0	1	5
P	0	4	0	0	1	5
J	0	1	0	0	5	6
L	0	2	0	0	3	5
7.3.4.3. More needs to be done to ensure that victims of domestic violence have access to specialist support services.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
S	0	4	1	0	0	5
P	0	1	3	0	1	5
J	0	2	3	0	1	6
L	2	2	0	0	1	5
7.3.4.4. There are competing demands on resources for different groups of victims, and so sufficient resources are already dedicated to support victims of domestic violence.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
S	0	0	4	0	1	5
P	0	2	2	0	1	5

J	0	1	1	0	4	6
L	0	0	2	0	3	5

Looking at the responses to the statements, the perspectives of the target groups diverge on the first and third statement and are remarkably similar on the second and fourth statement. Regarding the first statement, that more needs to be done to protect victims of domestic violence against repeat victimisation, it can be seen that lawyer and support service employees are more likely to (strongly) agree than prosecutors and judges or police officers. S1 and L4 both claim victims of domestic violence are vulnerable to becoming victim repeatedly:

“More should be done in order to coach the victim to become more self-aware and self-reliant to prevent similar situations in the future. It is often the case that the behaviour of the victim increases the possibility of recurrence.” [NL/S/01]⁶⁴

On the contrary, it has been voiced explicitly by several other practitioners (P2, P3, P4, P5, J1, J4) that enough is being done to effectively protect victims of domestic violence against repeat victimization. Although they are convinced that the field of domestic violence is reasonable well organised in the Netherlands, they claim that protection could always be improved and that a more active, outreaching approach could be helpful. P3 states:

“Domestic violence is never a problem that can be solved by the police and the police already does everything in their power to protect victims. Support services and care-givers should act faster, since they are the ones who could prevent repeated victimization.” [NL/P/03]⁶⁵

This reflects the opposition that could be seen before between those representing the victim perspective and those representing institutional perspectives. A similar, though less pronounced division is seen in reaction to the third statement, which states that more needs to be done to ensure that victims of domestic violence have access to specialist support services. Regarding the second question about the existence of good practices for victims of domestic violence, there is general agreement that good practices are already in place. J6 emphasizes that in domestic violence cases, support in itself can already be a good protective measure for the victims. This statement is being confirmed by the statement of L4, who says that:

“People that have been victim of domestic violence, are more prone to be victim again. Not even by the same perpetrator. There is a vulnerability that remains, such as sexual violence victims have. So what would be most effective, is something like a Resilience training, so they – usually women - won’t fall prey again.” [NL/L/04]⁶⁶

P3 emphasizes the importance of empowerment of victims:

⁶⁴ NL/S/01 *“Er zou meer gedaan moeten worden om de slachtoffers te coachen en meer zelfbewust en onafhankelijk te maken om vergelijkbare situaties in te toekomst te voorkomen. Het is vaak zo dat het gedrag van het slachtoffer de kans op herhaling vergroot.”*

⁶⁵ NL/P/03 *“Huiselijk geweld is nooit een probleem dat opgelost kan worden door de politie en de politie doet al alles binnen haar macht om slachtoffers te beschermen. Slachtofferhulp en zorgverleners zouden wel snellen moeten handelen, want zij zijn degenen die kunnen beschermen tegen herhaald slachtofferschap.”*

⁶⁶ NL/L/04 *“Mensen die slachtoffer zijn geworden van huiselijk geweld, hebben een grotere kans om weer slachtoffer te worden. Niet eens per se door dezelfde dader. Er is een bepaalde kwetsbaarheid die blijft, zoals ook slachtoffers van seksueel geweld dat hebben. Wat het meest effectieve zou zijn, is iets als een weerbaarheidstraining, zodat zij -meestal vrouwen- niet weer slachtoffer worden.”*

I believe in the capacity of people and society solving their own problems and less in state intervention. I don't believe in applying criminal law, since I think the most important thing is to find a solution that is best for all people involved, who all have different needs and interests.” [NL/P/03]⁶⁷

However, almost half of interviewees do not know whether good practices are in place, therefore not agreeing or disagreeing. Regarding the final statement, most interviewees disagree with at least part of the statement. The groups of police officers and judges and public prosecutors are split in their agreement or disagreement. As the statement connects two assessment (on competing demands, and on sufficient resources) it is difficult to judge what this agreement or disagreement precisely refers to.

Views of victims

7.1.10. How did the police learn about the interviewees' situation: were they called to the interviewees' homes or did the interviewees call them or turn to a police station (Question V 7.3)?

All interviewees called the police themselves.

- The police came to V9's home immediately.
- V10 had the opportunity to leave the home and go to the police station to file a report.
- V11 called the police and the danger of her situation was assessed directly via telephone.
- In the situation of V12 the police were called during the assault, while the beating was still taking place. Police officers came to the house, arrested the perpetrator and immediately filed a report.

7.1.11. When the police first learned about the interviewees' situation, did they thoroughly assess whether measures were needed to protect the victims against repeat victimisation or retaliation (Question V 7.4)?

The assessment of protection measures by the police differed between the victims of domestic violence interviewed. In 2 cases (V9, V12), the police assessed the situation properly, whereas in the other 2 situations the assessment was done less thoroughly or not at all. More specifically, the police followed protocol and assessed V9's situation to see whether protective measures were needed. The police did not assess V10's situation at all. The police assessed V11's situation but she felt she had to pressure the police to take action. For V12, the police were very alert and assessed that there was indeed a risk of repeat victimization. The assault took place at a family gathering (a birthday), and the family of the offender arrived at the scene shortly after the offender was arrested and taken away. They were waiting outside of the house to get in. The police went outside to talk with them shortly, and then re-entered, stating that it would be wise not to invite the relatives of the offender into the house, because the police deemed it likely that they would become violent against V12 as well. According to V12, this was an immediate and effective measure to protect her from repeat victimization.

7.1.12. When the police learned about the interviewees' situation, what concrete measures did they adopt in order to immediately protect victims against repeat victimisation? How did the interviewees assess the effectiveness of the measures adopted by the police (Question V 7.5)?

⁶⁷ NL/P/03 *“Ik geloof in de capaciteit van mensen en de samenleving om hun eigen problemen op te lossen zonder tussenkomst van de staat. Ik geloof niet in de toepassing van strafrecht, omdat ik denk dat het belangrijker is om een oplossing te vinden die het beste is voor alle betrokkenen, die die allemaal andere wensen en belangen hebben.”*

In three cases the police imposed a notification on the address (“melding op locatie”) [V9, V10, V12], in one case additional to the restraining order [V9]. V10 felt this was effective, especially as the local neighbourhood officer was attentive to the situation. V12 mentioned she made use of the measure of notification on address once, and the police arrived shortly after. She states that for her this measure was highly effective. On the contrary V9 felt the notification and restraining order provided a false sense of security:

“All these safety measures are in fact a false sense or even fake security. There is no real way to protect a somebody from her partner in this case. It’s a matter of time: who comes first? Either the police to protect, or the perpetrator to destroy you. It is a matter of life and death. And I was lucky to get out. But there are women.... Well the situation is just terribly scary. The system is failing them. I don’t want to bash the system, but it needs to change. They need to start listening to those affected.”[NLV/09]⁶⁸

V11 was advised by the police to move to another place. She uses the Aware System (Abused Women’s Active Response Emergency), which she feels is effective as the offender knows she uses it. According to her this is the main reason the offender stays away from her, in her experience.

Overall, it can therefore be said that the police did impose concrete measures to protect the victims. The assessment of the victims however varies.

7.1.13. When the police learned about the interviewees’ situation, did they inform the victims of support services available to them or did the police contact a support service themselves (Question V 7.6)?

It appears that the police did not handle the cases of domestic violence differently than other cases of violence in terms of referral to victim support services, as they brought 3 of the 4 cases into contact with Victim support the Netherlands (V10, V11, V12).

One of the victims of domestic violence interviewed however is not sure if the police informed her about the Victim Support the Netherlands or contact them [V9]. The police brought in social work, rehabilitation and youth care, but, as far as the victim could remember, did not inform the victim about the available support services:

“No. I had no idea of the possibility of Victim Support the Netherlands [...] Maybe [the mentioned it] in the first talk, but I didn’t remember that. And maybe it’s because you don’t want to feel like a victim [...] I remember that I found that really weird. That the police said: you are victim of domestic violence. And I thought: no. Even at that moment. You don’t see yourself as victim. Now I do, but not then.” [NLV/09]⁶⁹

It is not clear whether this was a conscious choice by the police (as they brought in other organisations), whether it was a mistake, or whether the victim does not remember correctly what happened.

7.1.14. In cases where victims were in contact with a support service, how did they assess the services provided in terms of supporting them in coming to terms with their victimisation or in finding a way out of a violent relationship (Question V 7.7)?

⁶⁸ NLV/09 “Al deze veiligheidsmaatregelen geven je alleen maar een vals of zelfs nep gevoel van veiligheid. Er bestaat niet echt een manier om iemand te beschermen voor zijn partner in deze situatie. Het is een zaak van tijd: wie komt er eerst? De politie om te beschermen of de dader om je te vernietigen. Het is een situatie van leven en dood. En ik had het geluk om eruit te komen. Maar er zijn vrouwen.... Nou, de situatie is gewoon verschrikkelijk eng. Het systeem faalt hen. Ik wil het systeem niet kapotmaken, maar het moet wel veranderen. Ze moeten naar ervaringsdeskundigen beginnen te luisteren.”

⁶⁹ NLV/09 “Nee. Ik had geen idee van mogelijkheid van Slachtofferhulp Nederland.” Heeft de politie dat niet genoemd? “Nee. Niet dat ik weet. Misschien wel in het eerste gesprek, maar het is niet bij me opgeslagen. En het komt misschien ook. Je wilt je geen slachtoffer voelen. (...) Ik weet nog dat ik het heel raar vond. Dat de politie zei: u bent slachtoffer van huiselijk geweld. En ik dacht: nee. Zelfs op dat moment. Je ziet jezelf niet als slachtoffer. Nu wel. Toen niet.”

The experiences of the victims of domestic violence with the support provided by support services differs between the victims interviewed and between the different organisations involved. Overall, a mixed picture emerges, with some positive sides and several more critical remarks. One of the victims interviewed not experience much of the support of any services [V9], two of the victims were slightly helped by the support [V10, V12] and one of the victims is extremely disappointed by her experience with the Victim Support the Netherlands, but at the same time content about the way the specialist support organisation *Stichting Zijweg* helped her out [V11].

For V9, social work was present in the background, but most support came from her lawyer. V10 thought the presence of Victim Support the Netherlands was helpful, as it enabled her to tell her story and she felt taken seriously, although the more intense process of overcoming the violence suffered was tackled through therapy with a mental coach and not by means of any support service. Regarding the support service, she stated the following:

“It was the first support. So at that moment it was very nice that I could tell my story. And that they understood me. And the report [they made] was correct, it was a good representation of what I told them. But I also still know that I gave a more positive account then, because I still know that I was very scared that they would take my child away. That was because of the distrust in the police.” [NLV/10]⁷⁰

This image of very basic assistance by the Victim Support the Netherlands was mirrored by V12. She was contacted by a person working at Victim Support the Netherlands by telephone. She experienced the conversation they had as pleasant: the person was kind and understanding. However, she had expected that the organization would keep in touch with her as the case proceeded. This did not happen: after the first telephone call, she was not contacted again. While, she indicates, she would have appreciated to obtain some information about the rules and rights (for example her right to attend in court) after this first contact. At some point, the interviewee decided to contact the Victims Desk (*Slachtofferloket*) herself to request some advice about her written statement.

V11 did not find the National Victim Support Service very helpful. She contacted the service herself, but was not helped by the service, even though she knew that they were obliged to do so. As she was experiencing the threat of her partner, also towards her parents, she felt left alone. She describes this as follows:

“According to the police, victim support has to help you, but they don’t. [...]The just say ‘no, we can only come when there is a conviction’. [...] so I haven’t had any support there. While they have the specialists.[...] If they had come in the first week, that would have created a lot of calm. Just for the information provision.” [NLV/11]⁷¹

The interviewee is positive however about her experience with the specialist support organisation *Stichting Zijweg*. One of the important differences with other organisations she points out is the fact that *Zijweg* is aware that victims of domestic violence can also be well-educated and economically independent. This is a contrast to the assumptions of the overall system in the Netherlands (police and welfare institutions) which focus on lowly educated women who live on social welfare. These organisations could not support her with questions about her finances, e.g. concerning her business.

⁷⁰ NLV/10 *“Het was de eerste hulpverlening. Dus op dat moment was het heel fijn dat ik mijn verhaal kwijt kon. En dat ze me begrepen. En het verslag dat gewoon klopte, het was een weergave wat ik vertelde. Maar ik weet ook dat ik mijn verhaal toen iets positiever heb ingestoken, want ik weet nog dat ik heel bang was dat ze mijn kind zouden afpakken. Want dat kwam door het wantrouwen in de politie.”*

⁷¹ NLV/11 *“Volgens de politie moet slachtofferhulp je helpen, maar dat doen ze niet. [...]Maar ze zeggen gewoon ‘nee, we kunnen pas wat doen als er een veroordeling is’. [...] Dus ik heb daar geen enkele ondersteuning in gehad. Terwijl zij de specialisten hebben. (...) Als ze de eerste week gewoon gekomen hadden, dan had dat heel veel rust gegeven. Gewoon de informatievoorziening.”*

7.1.15. According to the interviewed victims, did a court issue at any time a protection order with a view to protect the victim against repeat victimisation? If yes, which court, and how do interviewees assess the effectiveness of these court orders (Question V 7.8)?

Only in one case was a restraining order for the home premises ordered by the court. As explained under 7.4.3, V9 feels this only provides a false sense of safety as, in her experience, there is no real way to protect someone from a partner in such cases.

7.1.16. To what extent did the interviewees agree to the following statements (Question V 7.9)?

	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
7.4.7.1 I wish the police had done more to protect me against falling victim to violence again.	0	2	2	0	0	4
7.4.7.2 I would have needed more support in changing my situation with a view to overcoming the threat of violence.	1	1	2	0	0	4

There is no agreement among the interviewees about police protection against repeat victimization. The two interviewees disagreeing with the statement mention that the police could not have done much more to protect them [V9, V10]. The remaining 2 interviewees think that the police could have done more, but do not elaborate on what could have been done.

Regarding the second statement, interviewees also have different opinions. One of the two interviewees [V9, V12] disagreeing with the statement questions the overall relevance of support for overcoming the threat of violence in these cases, claiming that:

“The threat of violence is experiential: it’s something inside yourself, so there is a limit to what other people can do in terms of support. You have to overcome the fear yourself!” [NL/V12]⁷²

On the contrary, V10 strongly agrees and V11 agrees on this statement, but give no additional information in this context. As has been described in this section, the factual experiences of the four victims of domestic violence interviewed, and the support they received and the protection offered, show a lot of variation. This variation is reflected in the disagreement in the overall assessment of the support.

⁷² NL/V12 “De dreiging van geweld is een ervaren dreiging, het zit in jezelf, dus er is een limiet tot op welke hoogte anderen wat voor je kunnen doen qua support. Je moet zelf de dreiging overwinnen!”

8. Civil law claims: compensation and restitution

8.1. Views of practitioners

8.1.1. According to the practitioners interviewed, do the police routinely inform victims about their entitlement to state compensation (Question Pr 8.1)?

Although not all interviewed practitioners knew specific details, the majority agreed that the police do not routinely inform victims about their entitlement to state compensation. Most claimed that it is Victim Support the Netherlands and lawyers who tell victims about the existence of a compensation fund.

Lawyers

All interviewed lawyers agree that the police do not inform victims routinely and/or correctly about state compensation because they have to provide this information as well. L1 states that many victims have high expectations of state compensation, which he has to temper. If the police routinely inform victims about state compensation, this information is probably incomplete. L4 claims the information is not given by the police; in a later phase, victims are informed of the Violent Offences Compensation Fund (*Schadefonds Geweldsmisdrijven*). L3 thinks this should be a police responsibility.

Judges / public prosecutors

The judges and public prosecutors had difficulties answering this question. J1 has the impression that police inform victims about their right to state compensation, but explains this is not her expertise. J2 was unwilling to answer any questions about the police. J3 did not provide a clear answer to the question. According to the remaining 3 judges and public prosecutors, the police do not routinely inform victims. J5 adds that it is not the police, but the Victim Information Counter (*Slachtofferloket*) and the National Victim Support Service that inform victims about state compensation.

Victim support services

All practitioners within victim support services tend to agree with J5 (above). S4 sees that victims are informed, but is unsure whether they get this information from the police or from other organisations. S1 states that it is not the police, but victim support services and lawyers who tell victims about the existence of compensation funds. S3 adds that given the number of victims, this kind of compensation should be used more often.

Police

Except for P3 and P4, police interviewees acknowledged that the police do not routinely inform victims about their right to state compensation. P1 is certain that most of her colleagues have never heard of the Violent Offences Compensation Fund, which is neither covered in their education nor actively promoted.

According to P2, a pilot project with the Violent Offences Compensation Fund showed that when a victim appeals to the fund and case files are requested from the police, police officers are either unaware of the fund or do not believe they should have to deal with such requests. P2 explains that working with the Victim Information Counter – a joint initiative of the police, public prosecution and the National Victim Support Service – was supposed to solve this problem. But the Victim Information Counter was inadequately informed of the pilot, which is why it failed. The National Victim Support Service does routinely inform victims about the Violent Offences Compensation Fund. However, victims who choose not to be in contact with the National Victim Support Service may miss out on this information. P2 states that the continuation of the Victim Information Counter is currently uncertain.

8.1.2. Do the police routinely inform victims about the possibilities to obtain restitution within the framework of criminal proceedings (Question Pr 8.2)?

Generally, practitioners indicate that police do inform victims about possibilities to obtain restitution within the framework of criminal proceedings, but that it is unclear whether this is done routinely and thoroughly.

Judges / public prosecutors

J6 states that it is standard police procedure to inform victims about restitution within the framework of criminal proceedings. The others in this group seem to question the quality of the information given by the police. According to J3 and J5, the police only mention restitution, after which the Victim Information Counter and the National Victim Support Service provide more detailed information. J1 claims some police officers are not fully aware of the difference between victim support services and legal support, or at least do not explain the difference to victims. In her opinion, victims tend to answer “no” to the question “Do you need any help from the victim service?” due to the emotional connotations, while they do in fact want legal support.

Lawyers

Most lawyers do not know what information the police provide and how extensive it is. L2 knows that victims are informed, but is not sure if this is done routinely. In the experience of L3, victims are informed too briefly or not at all. L5 states that there is a standard procedure, namely a box that needs to be ticked while filling a police report, but thinks police officers sometimes just simply tick the box without asking a victim’s preference.

Victim support services

All practitioners of victim support services state that police inform victims about the possibilities of restitution during the criminal proceeding, and that this is by now routine. S1 explains it is standard procedure: it is a standard question and if the victim answers “yes” he/she will receive a restitution form.

Police

All police interviewees state that they inform victims about possibilities for restitution during the criminal proceeding. However, they think it still does not happen often or thoroughly enough. P1 expects the Declaration of Rights to make a difference. According to P2, the relevant parties work together and victims are adequately informed about the possibilities for restitution. Nevertheless, P2 doubts whether victims are routinely being informed outside the proceedings. In his experience, police officers are often unaware of their tasks regarding restitution procedures.

8.1.3. As concerns proceedings in cases of violent crimes and judging by your practical experiences, how often does the criminal court adjudicate on the victim’s civil law claims (Question Pr 8.3)? According to the interviewees, does this happen

	S	P	J	L
Often or very often	2	0	4	3
Occasionally	0	0	0	0
Only in exceptional cases or not at all	2	0	1	1
Don’t know	1	0	1	1
TOTAL	5	0	6	5

According to the majority (9/16) of interviewed practitioners, the criminal court adjudicates (very) often on victims' civil law claims. However, there is no consensus on how often this happens, ranging from often or very often to only in exceptional cases or not at all. These positions are a matter of interpretation.

Those who claim the criminal court adjudicates only in exceptional cases or not at all on the victim's civil law claims [S4, S5, J1, L2] explain that civil law claims are not regularly part of the adjudication. When victims are entitled to compensation from the Violent Offences Compensation Fund, the question will come up during court trial whether the victim should obtain restitution within the framework of criminal proceedings.

The practitioners who claim otherwise [S1, S2, J2-J4, J6, L1, L3, L4] assume that there is already a civil law claim in court. All state that in such cases, the criminal court *always* adjudicates on the victim's civil claims. L3 explains that as civil law claims are made in court, the judge is assigned to adjudicate on them. J2 points out that complex civil claims are an exception that do not belong in criminal law proceedings. V1 adds that how judges assess these claims is arbitrary: one judge may grant full compensation while the other grants less than requested. V1 believes it depends on the degree of civil law in the judge's portfolio. According to V2, the criminal court always adjudicates on the victim's civil claims but is often reluctant to explain the verdict.

8.2. Views of victims

8.2.1. Did the interviewees apply for state compensation? If yes, what was the result (Question V 8.1)?

8 out of 12 interviewed victims did not apply for state compensation [V1, V3, V7-V12]. V1 stated she was not aware of the possibility to do so. The others did not give an explanation.

Of the 4 victim interviewees who did apply for state compensation, V6 is still waiting for the final decision. For the 3 others, the amount was granted by the Violent Offences Compensation Fund. V4 has yet to receive any money. V2 added that the procedure to apply is complicated; she is convinced not everybody will be able to find their way through the necessary steps.

8.2.2. Did the interviewees raise civil law claims within the framework of criminal proceedings? If yes, what was the result (Question V 8.2)?

7 out of 12 interviewed victims did not raise civil law claims within the framework of criminal proceedings [V1-V4, V8-V10]. V4 states he does not know if his lawyer asked for damages. V10 did not ask for damages within the criminal proceeding, but applied for compensation via the Violent Offences Compensation Fund. V2 added that he could not raise civil law claims as it was a criminal case and not a civil procedure. The Public Prosecution Service did however ask for compensation of 12,000 euro, but because the offender was not convicted, this amount was not granted. Although V1 did not ask for compensation, she was compensated for her material loss.

5 interviewed victims did raise civil law claims within the framework of criminal proceedings [V5-V7, V11, V12]. V11 has not yet received a response. V6 and V7 had their claims denied. V7 then considered a civil procedure but did not pursue this because it would have become a "never ending story". V6 stated that since the verdict was sufficient to apply for state compensation, the claim of compensation within the framework of criminal proceedings was refused. V5 and V12 had their claims granted. V12 was awarded approximately 600 euro for the material loss she suffered (a broken phone). The amount V5 asked for was also granted, but because the offender disappeared and the government did not find anyone who can be considered responsible for him, she has not yet received any money.

8.2.3. To what extent did the interviewees agree to the following statement (Question V 8.3)?

	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
Criminal courts should ensure that victims receive compensation from the offender.	1	5	3	0	3	12

Regarding compensations rewarded, V1 received financial compensation for the damage caused. She feels sorry for the offender who has to pay her the sum of money, because she expects him to need this money. Moreover, receiving money was not the primary objective in reporting the crime. In addition, financial compensation cannot make up for the emotional damage. Likewise, V12 appreciates the financial compensation but indicates that the money does not compensate for the harm done: her emotional and physical recovery remains difficult. Nonetheless, according to V12 financial compensation is an effective way to let the offender experience very concretely that his actions have negative consequences. However, the 2 years of suspended sentence does not have the desired effect; V12 notes that the offender seems to think that a suspended sentence is equivalent to no punishment, which she finds very unfortunate.

V4 and V5 have been awarded compensation, but at the time of the interview, had not yet received anything. V5 stated:

"I am satisfied about the outcome, although I did not get the money. I have said from the beginning on, we are never going to get this money. How should we get it? You can't squeeze blood out of water!"
[NL/V/05]⁷³

With respect to the statement whether criminal courts should ensure that victims receive compensation from the offender, half (6/12) of the interviewed victims agree or strongly agree with the statement that criminal courts should ensure victims receive compensation from the offender: 5 agree and 1 strongly agrees.

3 out of 12 interviewed victims disagree with the statement. V2 states that you cannot squeeze blood from a stone, meaning there is no point in forcing somebody to pay when they have no money to give. She thinks that the state should arrange this with the offender. If not, the offender grows more and more furious.

3 interviewed victims did not know whether the criminal court should ensure that victims receive compensation from the offender. V3 states this should be done according to the needs of the individual. V6 is ambivalent: on one hand, he thinks it is fair that the offender has to pay for what he has done. Then again, he is convinced that a fine would enrage the offender even more. V6 thinks that it might help if the state provides the compensation. V5 was awarded state compensation and an amount to cover for damages. The offender, however, disappeared and she has yet to receive any money. V5 believes that regardless of how much force is used, one can never ensure that the victim will receive compensation from the offender.

⁷³ NL/V/05 "Ik ben tevreden met het resultaat, ook al kreeg ik het geld niet. Ik heb vanaf het begin gezegd, we krijgen dat geld nooit. Hoe zouden we het krijgen? Van een kale kip kun je niet plukken!"

9. General assessment of victims' situation in accessing justice

Views of practitioners

9.1.1. To what extent did the interviewed practitioners, divided by professional groups, agree to the following statements (Question Pr 9.1)?

9.1.1.1 Criminal justice is mainly a matter between the public (state authorities) and offenders; hence victims' role in criminal proceedings is necessarily peripheral.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
S	0	4	0	1	0	5
P	0	0	5	0	0	5
J	0	3	1	0	2	6
L	0	0	2	2	1	5
9.1.1.2 If victims became influential in criminal proceedings, this would come with a risk of unsettling the fragile balance between prosecution and the rights of defendants.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
S	0	2	2	1	0	5
P	0	0	2	3	0	5
J	0	3	2	0	1	6
L	0	0	3	2	0	5
9.1.1.3 Generally speaking, practitioners working in the criminal justice system take the rights and concerns of victims very seriously.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
S	0	3	2	0	0	5
P	0	3	2	0	0	5
J	1	4	1	0	0	6
L	0	1	2	1	1	5
9.1.1.4 In the past, the criminal justice system has not paid due attention to the concerns and rights of victims. It is about time that victims' concerns are taken more seriously.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
S	0	6	0	0	0	5
P	1	4	0	0	0	5
J	0	1	3	0	2	6
L	2	3	0	0	0	5

On the statement “Criminal justice is mainly a matter between the public (state authorities) and offenders; hence victims’ role in criminal proceedings is necessarily peripheral” 7 practitioners agree, 8 disagree and an additional 3 practitioners strongly disagree. Interviewees give some additional information on how they come to their conclusion. Starting with the opinion of practitioners who disagree, S1 firmly states that the victim should also be a party to proceedings. She says that, for the completeness of the file, one should look at both victim and offender. The offence happens to a person who then becomes a victim. He or she did not ask for it, but it has an impact on multiple aspects of his or her life. It would not be correct if a victim then only gets to play a minimal role in the criminal proceedings. L3 points out the discrepancy between law and practice:

“That is the case, but I do not agree with it. I think that criminal law is really focused on the offender and we in the Netherlands really have to, just as in other changes, go through a process of change, to think more victim-minded. That it is simply a party to the proceedings. But that is still a lot of work.” [NL/L/03]⁷⁴

J5 expresses her ambivalence, and emphasises the complicated nature of the matter: according to her, the party of the victim is difficult to define: somebody can feel a victim of something that is not punishable, or there is a victim while there is not yet a decision on whether the suspect is actually a perpetrator. So there is not yet a crime. In short, the victims role is complicated in any way, hard to define, and less clear than the role of suspect. J2 agrees on the statement as well as the ambivalence expressed by J5, stating that:

“I partly agree on this point. Criminal law is mainly a matter between the public and offenders. However, as a public prosecutor, you also need to take the victims’ rights into account. Sometimes the prosecutor also has to take decisions that don’t make the victim happy. But that’s just how it works, according to the Criminal Code and the resolution framework. If the officers knows the proof is not sufficient, the case will not be brought to court, even if the victims wants it. This might sound like black-white thinking, but the prosecutor needs to stay in character.” [NL/J/02]⁷⁵

Victims’ rights are very hard to define in relation to (or are in tension with) the presumption of innocence regarding the suspect. L5 however notes, that the current legal system is the last system to be broken down and needs to become more open about its practices, to open up for feedback and to give victims a say:

“The justice system is the last bubble that needs to be pierced. (..) As it is now, a victim has rights, but no remedies.” [NL/L/05]⁷⁶

On the statement “If victims became influential in criminal proceedings, this would come with a risk of unsettling the fragile balance between prosecution and the rights of defendants” only 5 practitioners agree, compared to 9 practitioners who disagree and an additional 6 who strongly disagree. To start with the reasons practitioners agree with this statement, P2 thinks this is indeed a risk, because the principal purpose of criminal proceedings is

⁷⁴ NL/L/03 *“Dat is wel zo, maar ik ben het er niet mee eens. Ik vind dat het strafrecht heel erg gericht is op de verdachte en wij in Nederland moeten echt, net als bij alle veranderingen, een veranderingsproces door, om meer slachtoffer-minded te denken. Dat dat gewoon een procespartij is. Maar dat is nog heel veel werk.”*

⁷⁵ NL/J/02 *“Ik ben het daar voor een deel mee eens. Het strafrecht is voornamelijk een aangelegenheid tussen de maatschappij en de verdachten. Maar, als openbaar aanklager, moet je ook rekening houden met slachtofferrechten. Soms moet de aanklager ook beslissingen nemen waar het slachtoffer niet gelukkig van wordt. Maar dat is hoe het werkt, volgens het strafrecht en het wettelijk kader. Als de aanklager weet dat er onvoldoende bewijs is, wordt de zaak niet voor de rechter gebracht, ook als het slachtoffer dat wil. Dit klinkt misschien een beetje zwart-wit, maar de aanklager moet zijn rol vasthouden.”*

⁷⁶ NL/L/05 *“Het rechtssysteem is de laatste bubbel die doorgeprikt moet worden. (..) Zoals het nu is, heeft het slachtoffer wel rechten maar geen remedies.”*

to provide a trial for the suspect that is as fair as possible. The voice of a victim may play a role in the proceedings in order to have a fair process, but not too much. P2 says a careful consideration has to be made every time in order to not disturb the balance. It is for example a difficult question how far the right of speech should be expanded. S1 agrees, noting that a single party, i.e. the public prosecutor, can never fully represent both interests. S1, as well as others such as L3 and J4, are of the opinion that if victims gain more influence in the criminal proceedings, the proceedings should be modelled differently; for this, the system should be reformed. S2 disagrees, and adds that research has shown that the increased presence of the victim has not overshadowed the court trial. L1 and L3 confirm this view:

"The balance is not fragile at all. If victims have more to say, this does not have such an enormous impact." [NL/L/01]⁷⁷

L3 claims this will never damage the balance between prosecution and the rights of the defendants since the legal system of the Netherlands prevents this from happening. The role of the public prosecutor will not change according to her. L2 explains the ambiguity of court practice, empathising with the reasoning behind the actions taken:

"I'm choosing disagree instead of strongly disagree, since I still do get the thought why this has been different. It should never become a retribution. That's why it has been kept outside the door for so long. The case had to be looked at rational and level-headed and not from the point of view of the victim, who is strongly involved emotionally." [NL/L/02]⁷⁸

On the statement "Generally speaking, practitioners working in the criminal justice system take the rights and concerns of victims very seriously" 11 practitioners agree and 1 strongly agrees, compared to 7 practitioners who disagree and 1 who strongly disagrees. Starting with the arguments of practitioners who disagree, P3 explains that unfortunately, taking victims seriously is not a reality (just yet), although it should be. He believes that all professionals involved try their best, but it does not always work out the way it should. He mentions a shortage in capacity (training and staffing) as one of the main obstacles. J5 disagrees with the statement in general, claiming that:

"Concerns and rights of victims are important to take into consideration, but our system is not equipped to do this. So it is not as simple as is stated here: that professionals need to take things more seriously. Rather, professionals in this system have to carry out to opposed assignments. Which is not easy, and there is no easy solution." [NL/J/05]⁷⁹

J1 generally agrees with the statement, but notes that some people are more victim-minded than others. In general, he believes the public prosecution service is better at taking the interests of the victims into account than judges. This has to do with the level of involvement of the public prosecutor with the victims even before trial. He states:

"Although a professional standard is taken into account, at this moment, it still depends on the individual whether a correct treatment of the victim is indeed executed. The public prosecutor as well as the judge have to pay attention to this during and after trial. The problem lies in awareness about certain things:

⁷⁷ NL/L/01 "De balans is helemaal niet kwetsbaar, als slachtoffers meer te zeggen hadden zou dit helemaal niet zo'n enorme invloed hebben."

⁷⁸ NL/L/02 "Ik kies 'niet mee eens' in plaats van 'helemaal niet mee eens', omdat ik nog steeds de gedachte krijg waarom dit anders was. Het zou nooit een vergelding moeten worden. Dat is waarom het zo lang buiten de deur is gehouden. De zaak moest rationeel en gelijkmoedig bekeken worden, en niet vanuit het perspectief van het slachtoffer die sterk emotioneel betrokken is."

⁷⁹ NL/J/05 "Zorgen en rechten van slachtoffers zijn belangrijk om rekening mee te houden, maar ons systeem is niet in staat om dat te doen. Dus het is niet zo simpel als hier staat: dat professionals zaken serieuzer moeten nemen. Eerder zijn het professionals in dit systeem die tegenstrijdige opdrachten moeten uitvoeren. Wat niet makkelijk is, en er is geen makkelijke oplossing."

mentioning the victims is present in court trial, checking if they understand the outcome of the trial etcetera.” [NL/J/01]⁸⁰

With regard to the police, J4 – who also agrees with the statement – notes that “yes, they take victims seriously, perhaps not very seriously. They do keep in mind the victim, but don’t place the victim central. They just want to catch crooks”. J5 adds that we still know too little about the exact needs of victims.

On the statement “In the past, the criminal justice system has not paid due attention to the concerns and rights of victims. It is about time that victims’ concerns are taken more seriously”, the large majority of practitioners agree: 17 (of which 3 strongly), against 3 practitioners who disagree. The majority of practitioners who agree, generally note that victims’ concerns are already taken more seriously, but the current situation still needs some amendments. In practice, there is still room for improvement (S1, S2, J2, P5). This is expressed by the following statement of a police officer:

“It gets better and better, but overall it can still improve. Sometimes there’s too much of the old-fashioned idea of “dealing with the case properly”, and then the victim is forgotten. But it is really improving.” [NL/P/05].⁸¹

J3 also argues that the implementation of what we have now agreed upon on paper, should be more actively pursued and diligently carried out. The 3 practitioners who disagree with the statement all fall in the category of judges/public prosecutors. Judge J4 explains that sometimes you need to let things run their course, pleading that change will simply need some time to take place, and referring to the fact that the implementation of the directive took place fairly late in the Netherlands (in April 2017), he states that:”.

“Leave the rules alone and give them time to be realised in practice. It is also good to leave things alone to keep things somewhat the same and predictable. People need to know where they stand, so we should not keep changing and amending the rules”. [NL/J/04]⁸²

L5 thoroughly opposes this view, stating that:

“The biggest danger of this research is in fact, that people will say: ‘let’s just make sure that the rules and rights that are there now, work well in practice.’ But these right are there already. And I want to expand them. Eventually it is all about money: it is costly. But bullshit that it is too complicated!” [NL/L/05]⁸³

According to J5, the statement does not reflect the complex task that professionals in this field have to deal with. She states that:

“Concerns and rights of victims are important to take into consideration, but our system is not equipped to do this. So it is not as simple as is stated here: that professionals need to take things more seriously. Rather,

⁸⁰ NL/J/01 “Alhoewel er met de professionele standaarden rekening wordt gehouden, hangt er op dit moment nog veel af van de persoon in kwestie, of een slachtoffer correct wordt behandeld. Zowel de aanklager als de rechter moeten hier aandacht voor hebben tijdens en na de rechtszaak. Het probleem ligt in het bewustzijn van bepaalde dingen: opmerken dat het slachtoffer aanwezig is in de rechtszaal, checken of ze begrijpen wat het resultaat is etc.”

⁸¹ NL/P/05 “Het wordt beter en beter, maar over het algemeen kan het wel verbeterd worden. Soms bestaat er te veel het idee van ‘de zaak op de juiste manier behandelen’, dan wordt het slachtoffer vaak vergeten. Maar het is echt aan het verbeteren.”

⁸² NL/J/04 “Laat het nu met rust, en geef het tijd om tot stand te komen in de praktijk. Het is ook goed om dingen met rust te laten om het een beetje hetzelfde en voorspelbaar te houden. Mensen moeten weten waar ze aan toe zijn, dus niet blijven veranderen en aanpassen van regels.”

⁸³ NL/L/05 “The biggest danger of this research is in fact, that people will say: ‘let’s just make sure that the rules and rights that are there now, work well in practice.’ But these right are there already. And I want to expand them. Eventually it is all about money: it is costly. But bullshit that it is too complicated!”

professionals in this system have to carry out conflicting tasks. Which is not easy, and there is no easy solution.” [NL/J/05]⁸⁴

Views of victims

9.1.2. Did the experience of the interviewed victims in the course of the investigation and the ensuing proceedings rather add to the harm done by the offender(s) or support them in coming to terms with the experience of victimisation (Question V 9.1)?

Overall, what I experienced during the investigation and the court proceedings	rather added to the harm done by the offender;	6
	mitigated the harm done by the offender;	4
	I couldn't tell/don't know.	2

The majority of the interviewed victims experienced that the investigation and the court proceedings added to the harm done by the offender. V11 felt threatened by the offender and his community in the courtroom and V10 expressed she has lost confidence in the justice system. However, for most of the interviewees this was the case because the offender was not sentenced as they wished. V7 expressed this by explaining that this outcome of the process has added to the harm, because there was no satisfaction. The idea that somebody can get away with such behaviour, is disappointing.

In retrospect, the 4 interviewees who state that the investigation and court proceedings mitigated the harm done by the offender, say that this is due to the fact the offender got sentenced and they thereby feel recognized. Two victims of domestic violence contradicted the experience of the other two victims of domestic violence interviewed by claiming that the proceedings gave them the chance to pick up their life again (V9, V12). V12 additionally stated that:

“In the light of my own case, I can say I am satisfied about the criminal proceedings and the punishment. But there are many things here that run through each other, and it would be good if the judges could see those different cases together, in relation to each other. Because then they will see what he really is -a monster.” [NL/V/12]⁸⁵

The 2 interviewees who answered ‘I couldn't tell/don't know’ said the proceedings did not affect them because there were both positive and negative experiences. V6 explained that during the investigation and proceedings the victim constantly re-lives what happened. On the one hand, it is a repentance of the damage that was inflicted, which makes that the experience is rather added to the harm done by the offender. On the other hand, it provides a chance on justice and closure, which mitigate the harm done.

9.1.3. To what extent did the interviewees agree to the following statements (Question V 9.2)?

	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
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⁸⁴ NL/J/05 “Zorgen en rechten van slachtoffers zijn belangrijk om rekening mee te houden, maar ons systeem is niet in staat om dat te doen. Dus het is niet zo simpel als hier staat: dat professionals zaken serieuzer moeten nemen. Eerder zijn het professionals in dit systeem die tegenstrijdige opdrachten moeten uitvoeren. Wat niet makkelijk is, en er is geen makkelijke oplossing.”

⁸⁵ NL/V/12 “In het licht van mijn eigen zaak kan ik wel zeggen dat ik tevreden ben over het proces, en over de straf. Maar er zijn veel dingen die hier door elkaar heen lopen, het zou goed zijn als rechter die verschillende zaken bij elkaar zouden kunnen zien, in relatie tot elkaar. Want dan zullen ze zien wat hij echt is- een monster.”

1. During the investigation, I had the impression that my concerns and rights were taken seriously by the police and were given due attention.	6	2	2	2	0	12
2. At the court trial, I had the impression that my concerns and rights were taken seriously and were given due attention by the court.	2	2	1	1	6	12
3. Overall, the investigation and the following proceedings conveyed a strong message that justice is done.	2	4	1	5	0	12

The majority of the interviewed victims (8 out of 12) agree with the statement “During the investigation, I had the impression that my concerns and rights were taken seriously by the police and were given due attention”, of which 6 strongly agree. V3 agrees strongly on this statement and explained:

“The police shared relevant information for us, as parents. It’s your child and the rest doesn’t matter in this situation. Especially in this situation, where you know he is not able to take good care of himself. These boys are weak.. (..) if she (the police officer) is on duty, she always checks the system and inform us if any changes have occurred. That’s amazing! I really appreciate it.” [NLV/03]⁸⁶

Half of the interviewed victims answered ‘don’t know’ regarding the statement “At the court trial, I had the impression that my concerns and rights were taken seriously and were given due attention by the court.” For some of the victims the statement did not apply to their situation, others responded ‘neutral’ or ‘average’ to the statement.

With regard to the statement “Overall, the investigation and the following proceedings conveyed a strong message that justice is done.”, little agreement exists amongst victims. Half of the victims agree or strongly agree, and half of the victims disagree or strongly disagree. V1 for example strongly agrees and added that the strong message of justice is due to the fact that the police acted immediately, caught the offenders right away, searched for the missing property and the offenders were prosecuted and sentenced. V3 strongly disagrees with the statement. He states that if it is really the purpose to solve the situation, the court should not be looking at the incident, but at everything that has already happened before. The focus was only on one incident, without considering any context. According to V3, the context should be heard during the trial, because otherwise a lot of information is missed out.

⁸⁶ NLV/03 *“De politie deelde relevante informatie met ons, als ouders. Het is jouw kind en de rest maakt niet uit in die situatie. Vooral in die situatie, waar je weet dat hij niet in staat is om goed voor zichzelf te zorgen. Deze jongens zijn zwak. (...) als zij (de politieagent) dienst heeft, checkt ze altijd het systeem en informeert ze ons als er veranderingen zijn. Dat is geweldig! Dat waardeer ik.”*

Conclusions

This report summarizes the views and experiences reported by interviewees question by question. As interviewees also provide information that does not respond directly to the questions asked, or draw conclusions based on their experiences, in this concluding section we first present some specific conclusions per interview target group, before summarizing the general observations brought forward by interviewees across the different target groups.

Specific conclusions per group of interviewees

Practitioners: Support Services

Practitioners working for victim support services came to several specific conclusions. The most important issues pointed out are the following:

- According to support service representatives, victim support and penal law proceedings can be conflicting at times. This partly refers to the fact that too little attention is paid to mental abuse in the proceedings, especially in cases related to domestic violence. When support services have done a risk assessment of an ongoing situation and indicate that urgent action needs to be taken, this is not sufficient evidence for a judge to start a case. For a judge, information needs to be more factual, proven or provable than what is included in support service assessments. If a person does not leave home for five years, for example, support services can also qualify this as domestic violence, but this is not sufficient for a judge. The burden of proof can therefore be an obstacle in starting investigations and further proceedings.
- The interviewees point out that victims are often not well-informed about their rights. The support service interviewees point at the police and Public Prosecution Service as being responsible for this. Many support organizations are thought to be hard to find and not readily approachable for victims.
- Support services do still emphasize the importance of information. Accurate, complete and timely information acknowledges the victimhood of the victim and stimulates their self-reliance and the emotional processing of the case. Therefore, information should involve a clear explanation to victims of the role they can play in the proceedings and inform their decision of whether they want to be involved or not.
- According to some interviewees, victims of domestic violence are disempowered by the way in which the protective measures, protocols and proceedings evolve in their cases. After the first police contact with the victim, the situation is taken over by the police and Public Prosecution Service. Social work, the probation service and youth care services are directly notified and put into action. It happens that the professionals involved try to convince the victim to enter into mediation with the offender which is mainly done for the sake of the children, but can make the procedure traumatizing for the victim. To victims, it can seem like the protection of the children is more important than their own mental and physical wellbeing and the harm inflicted on them.

Practitioners: Police

The most important conclusions provided by the police officers interviewed are the following:

- Interviewees report that the culture of the police has always been aimed at 'catching criminals'. Answers of the interviewees show that the police initiated a culture shift a couple of years ago, in which the focus should lie more and more on the position of the victims. The incentive for this was the government programme 'Doing justice to victims' (*Recht doen aan slachtoffers*). Later, the new EU directives followed. The police expect an increased awareness of victim rights among police officers in a couple of years, as well as many more implemented measures.
- The 'declaration of rights' is one of the first measures the police actively started with by April 2017. It is too early to assess the implementation and functionality of these measures.
- The police interviewees are unanimously positive about the developments with respect to victims' rights, but also critical regarding their own role in the proceedings. They see a need for improvement regarding

information provision towards victims, the assessment of the individual (protective) needs, and their approach to living up to victims' expectations in general.

Practitioners: Judges and public prosecutors

Several specific remarks and opinions are voiced by this group:

- According to the practitioners, many victims are looking for financial compensation for the damage they had to endure. Frequently however, victims have unrealistically high expectations of the claims they hand in.
- A lot of cases are not suitable for criminal proceedings, according to this group of practitioners, hence the large number of cases that are discontinued. In these cases, the victims can benefit more from a conversation with the police, or, better yet, with a victim support service, which can also reduce the workload of the police.
- The right to speak in court is an important and valuable addition to victim rights, according to prosecutors and judges interviewed: it provides judges with insight into the experience and perspective of the victim, which can lead to a better, more appropriate judgment. However, a second term right of speech, i.e. the right to respond to what suspects have to say in their defense, is not desirable according to the interviewees. This responsibility should remain with the public prosecutor. Overall, the victim should be heard, but not become a separate legal party in the process.
- Victims are often too one-sidedly depicted as helpless and innocent, and offenders as downright evil, interviewees say. In reality, it can be seen more as a fluid continuum between victim and offender, as well as the other way around: there is not always a clear separation between the two. However, once the system defines persons as victims, they are only that, and a whole array of rights opens up to them. This does not do justice to the complex reality. Especially in cases where people are 'condemned to live with each other', i.e. in relationships, or in neighbourhoods, the violence or abuse is often two-sided.
- According to some interviewees, an integrated approach to implementing the victims' rights directive is urgently needed. This would mean that organisations are monitored in relation to each other and monitoring their collective action and effects.

Practitioners: Lawyers

The lawyers interviewed emphasize the following points:

- Lawyers have to strike a fine balance between insisting on the rights of the victim and not upsetting the relationship with the judge or prosecutor. A lawyer has to 'walk on eggshells' according to one interviewee, because if he or she asks for too much (attention, time, documentation), this may have an adverse effect on the relationship and the outcome of the case. This implies that the victim rights in practice are not as hard or easy to insist upon as might be expected by the legal reality, but that they depend to some extent on the goodwill of the practitioners.
- The classic notion of the proceedings (regarding the role of the victim) is still dominant in the way the police, public prosecutors and judges put the victims' rights into practice, lawyers say. This is illustrated by the lack of literal space (seats etc.) for the victims and their lawyer in a court room.
- Lawyers are sceptical about the legal advice given to victims by practitioners and volunteers of Victim Support the Netherlands. Victim support volunteers cannot replace lawyers and without a lawyer, victims' rights cannot be ascertained, according to this group of interviewees.
- Lawyers see domestic violence as a marginalized problem, which does not do justice to the real extent of the problem. Lawyers emphasize that victims of domestic violence are more prone to become victim again, also in relation to another perpetrator. The vulnerability remains in place, and the same applies to victims of sexual violence. Resilience training or peer sessions could be a helpful with respect to this problem.

Overall conclusions across categories of practitioners

The majority of practitioners are adamant that the legal possibilities aimed at the victim's participation in the proceedings are sufficient, but that much can still be gained in the implementation of these rights. At the same time, major improvements have already been achieved throughout the last years. The practitioners notice changes, but the improvement is not implemented as quickly as some people would like.

The degree to which a victim is informed and kept up to date is at the moment less dependent on the victim's needs and wishes, and more dependent on how the legal system is organized and how the offense is qualified. The legal qualification attributed by the police and the Public Prosecution Service determines to what extent information and rights are communicated and implemented. Professionals point out a clear difference between the handling of cases of severe (violent) crime on the one hand and cases of general crime on the other hand. In addition, victims who are not supported by a lawyer or a support service, are likely to receive less information and are as a result in general less aware of their rights and possible role in the proceedings.

A main point of criticism brought forward by interviewees regarding the information provision by the police is related to the timing of information provision. Victims reporting to the police are often in an emotional state which does not allow them to process the information provided at that point and ask adequate questions. In addition, this information may turn out to be irrelevant at a later point, as proceedings may not be continued after all. Furthermore, practitioners and victims emphasized repeatedly that the Public Prosecution Service provides information on an irregular basis, often too late, too limited and in a way that is difficult to understand. The professional language (jargon) in which the content is delivered is too complicated for a large part of the Dutch population. In addition it is observed that the public prosecution service is largely sending information, but seems hardly accessible when victims have a request for help. The information flow is a one-way street.

In all groups of practitioners it was mentioned that cooperation between (professionals from) the various institutions involved in the proceedings needs to improve. Currently, it is not always clear who is responsible for which task with respect to ensuring victim rights. An open transfer of information between all professionals involved is thought to improve the situation for victims. Although professional standards are generally taken into account, it depends on the individual practitioner whether a victim is indeed treated correctly. Practitioners repeatedly emphasize that not all professionals are equally 'victim-minded'.

According to the practitioners, the management of victims' expectations of the outcome of the proceedings in general and of the court trial in specific needs to receive more attention. Expectations regarding the possible conviction, penalties, as well as the amount of financial compensation that is awarded, are often too high on the part of the victim. The dissatisfaction of victims with the outcomes of proceedings might be prevented if victims are better informed and more knowledgeable about what they can reasonably expect from proceedings.

Although all practitioners seem to have a positive attitude towards the increased attention for victim rights and emphasize the added value of victims' participation in criminal proceedings, several practitioners are wary of the limitless expansion of rights and possibilities. According to these practitioners, extended victim rights do not fit within the current Dutch criminal justice system.

Practitioners voice some criticism on current developments in the legal framework regarding victim rights. The Victims' Rights Directive may lead to a standardization and investment in processes and protocols that may not be desirable by the victims concerned. In particular victims of domestic violence would prefer to get rid of the current protocols that apply to them, as they experience these as leading to traumatizing forms of secondary victimization. Specifically, this refers to the practice that domestic violence cases are usually handled via accelerated proceedings (so-called ZSM-proceedings), and often mediation between victim and offender is the primary solution provided by professionals involved. According to some practitioners, this creates an unsafe situation for the victim and is described as a step back into the cage the victim is trying to escape from. Moreover, psychological support to these victims is lacking and psychological assessments, for example assessing whether a victim is still capable of caring for children, are carried out at the wrong moment, e.g. shortly after assault has taken place. Finally, filing a report of assault to the police is the only way to claim protective measures and gain

information about available support services in these cases. Once a report is filed however, a variety of organizations get automatically involved and take over control. This can lead to a feeling of disempowerment on part of the victim and a loss of authority to decide what steps will be taken next.

Conclusions brought forward by victims

The perspective of victims differs from that of practitioners. Victims base their assessment of the situation on their own personal experience in a specific case, voicing personal opinions rather than overall reflections. The following specific conclusions were expressed by the victims interviewed:

- Information provision to victims, by the police, but particularly by the Public Prosecution Service, is in many cases described as untimely, irregular and incomplete. This concerns information on the victim's possible role and rights in the proceedings; updates on significant events and decisions in the proceedings; and the management of victims' expectations concerning what can be realistically expected in terms of verdict and penalty measures. This is in line with the assessment of practitioners.
- The information provision on the potential role and rights in proceedings can be assumed to be more effective at a different moment during proceedings, and in a different manner. Many victims could not recall what was discussed with or told to them by the police (which had to do with the stressfulness of the situation and the victim's emotive state of mind), neither could the majority of the victims recall the content of the information letters that were sent to them by the Public Prosecution Service. Again, this confirms the views of practitioners.
- Victims who lack legal support, from a lawyer or a legal of from Victim Support the Netherlands, generally have less access to information than victims who do receive legal aid. They encounter many difficulties in gaining access, even to the extent that they are not informed at all in their experience. In addition, they have less knowledge of their rights and possible role in the proceedings.
- Victims were in general positive about the police as well as Victim Support the Netherlands. The majority indicated that they were practically helped, and treated in a correct manner, especially by police.
- Victims note that, if they had not been self-reliant and assertive, they would not have succeeded in finding out how proceedings work, and what their rights and possibilities are. It is described as regrettable that less assertive victims are left to their own devices and will probably not be able to exercise their rights to the same extent.
- For victims who assume that being present at the trial and using the right to speak is too emotionally or mentally demanding, a written statement is experienced as a good alternative to contribute to the trial as a victim, provided that it is explicitly taken into consideration by the judge.
- It appears that some measures intended to help victims are obstructive rather than helpful. They render the process of getting and staying out of the hands of a perpetrator, hard if not impossible. This especially concerns victims of domestic violence, who are pressured to cooperate in mediation, and hence feel forced to get back into face-to-face contact with their offender. This has the undesirable and adverse effect that perpetrators get the opportunity to re-enter the abusive relationship.
- Regarding the help offered throughout the proceedings, great differences exist between institutions in how they approach victims. Victims do not always feel taken seriously by legal professionals and their institutions. When this is the case, they experience this as confusing, disappointing, and as adding to the harm that was initially inflicted.
- To solve divergence between organizations in the manner of helping and handling victims, a more integral approach is suggested as a solution by victims. The involvement of a case manager, who keeps an overview on the different organizations involved, and who is specialized in domestic violence cases, is mentioned as a crucial actor in such an integral working method.