



Case study regarding the setting up of a victim support service

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Report on The Netherlands

2013



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1. The development of victim support in the Netherlands

Institutional attention for victims of crimes in the Netherlands developed in the 1970's as a consequence of a growing social and governmental awareness that the criminal justice system was not able to meet legitimate needs of victims of crime. On the contrary, many victims felt revictimized by the actions of the system and its officials.

In 1976 the first official state service for victims of crimes came into effect with the establishment (by law) of the Compensation Fund for Victims of Violent Crimes. Three years later, a number of very diverse local victim support schemes and projects, that were initiated by volunteers, private organisations, universities or the local police force, established a loosely structured National Victim Support Platform. In the following years more local initiatives joined the Platform, that reorganised itself into a national association in 1984. Thus a national victim support service came into being, providing generic practical, emotional and legal support to victims of crime through a nationwide network of 75 local victim support branches. The organisation received (modest) funds from the Justice Department and a number of municipalities.

Around the same time the government issued two directives, one concerning the treatment of victims of sex offences, and the other of victims of crime in general. By this soft law instrument police and prosecution service officers were instructed to treat victims with respect and empathy, to keep them informed about the course of the criminal procedure, to identify the damages suffered by the victim and to take the victim's interest into account when making formal or material decisions.

In 1989 Victim Support Netherlands (VS NL) extended its services to victims of traffic accidents. In that year a separate private fundraising organisation, the Victim Support Fund, was created. Their grants added to the financial diversification and security of VS NL. The number of victims receiving assistance increased gradually from a few thousand to tens of thousands per year.

A true milestone was the adoption of the Terwee Act in 1995, the first victim's law ever in the Netherlands. It codified the instructions concerning the treatment of victims as given by the aforementioned directives. Secondly the Terwee Act provided for a considerable expansion of the possibility for victims to claim damages through the criminal trial (compensation procedure¹). An important improvement was the introduction of the compensation order the court could award the victim/claimant. This meant that the Central Fine Collection Agency would collect the damages from the convicted offender on behalf of the victim.

Fairly late in comparison to other European countries, the Victim Impact Statement was incorporated in the criminal proceedings. This was done by law in 2004/5 on the initiative of a member of parliament, who had been a judge himself. The Justice Department assigned as a special task to VS NL the preparation of the written and/or oral statements of victims and supporting them during the trial.

In the first decade of the 21st century, VS NL witnessed a steady growth and professionalization of its organization and working methods. New services were developed and piloted and the number of paid staff increased. The working relations with the police and the prosecution office intensified, calling for a development of more specialized legal services, provided by professionals. Psychosocial and practical support were and are mainly provided by the organisation's 1.500 volunteers. In 2007 case management for family of murder victims was introduced, a few years later this service was extended to victims of severe sex and violent crimes.

In 2010 the Senate finally adopted the law *Strengthening the position of the victim in the criminal procedure* that added a separate victim's chapter to the Criminal Code. This law codified a number of

¹ In Dutch: voegingsprocedure; sometimes translated as 'adhesion procedure'.

formal practices, extended existing victim's rights and introduced some new rights, amongst others the right of the victim to have access to and to add documents to the criminal case file, and the right for victims of violent crimes to receive an advance (paid by the State) on compensation orders awarded by the court. By a separate law the right to give a Victim Impact Statement was extended and the State Secretary of Safety and Justice recently announced that he is preparing a law to further extend this right, granting the victim the opportunity in court to give an opinion about the appropriate sentence. Accompanying these legal changes is the increased victim awareness of practitioners of the principal bodies in the criminal justice system. This results in collaboration and coordination of work processes and procedures through protocols, transfer of information, implementation of chain performance indicators and quality standards and the creation of 'one-stop-shops' for victim's in courts for information and support. VS NL is an integrated part of that context.

Considering the developments of the past 40 years it becomes clear that the care for and empowerment of victims have improved considerably, especially in the domain of criminal justice where a catalogue of victim's rights has come into effect. But in society as a whole the position of victims has been strengthened as well, and the sympathy of the political and public opinion is never far away. VS NL has been and continues to be partly the result of and partly the driving force of these developments. Anno 2013 its profile is that of a well-equipped, professionally operating victim support organization, offering services to more than 220.000 victims per year. The organization is firmly embedded in the criminal justice systems and is developing more close working relations with partner organisations in the psychosocial field. However, although predominantly state funded and closely tied to the criminal justice system, VS NL remains an independent NGO.

Today VS NL (VS NL) is the only organization that, on a national level, provides free of charge assistance for victims of crime, traffic accidents and calamities, offering a broad spectrum of generic legal, psychosocial and practical services. The underlying principle is that of 'stepped care': a client initially receives the most effective, least invasive, cheapest and shortest form of treatment that is possible given the nature and seriousness of the problem presented. Only when this minimal intervention is not effective, a more intensive intervention is sought. In that case VS NL will refer clients to a more specialized provider of psychological, medical or legal help.

Apart from VS NL there are other agencies and organisations that focus on victims. Some of these are public services, others are of a private and/or commercial character. Roughly four categories can be distinguished:

- Providers of a certain type of service for a broad public, like psychologists and psychotherapists, social workers, lawyers, where victims can go for more specialized help.
- Organizations that focus on a specific group of victims, like rape crises centres, women's shelters, the Compensation Fund for Victims of Violent Crimes.
- Public organisations that have specific, but limited tasks concerning victims, like the police, the prosecution service, the Central Fine Collection Agency.
- Associations of victims, generally focussing on advocacy and/or self help and peer support, for example the associations formed by victims of sexual abuse in the Roman Catholic Church and in youth care institutions and foster homes, and the association of family members of murder victims.

The information presented in this paragraph and the next leads to the conclusion that the victim service system in the Netherlands has many strong points. It has a solid foundation in the Law. Awareness of victims rights is quite high and political support very strong. There are considerable funds available. There is a strong, national victim support organisation that reaches out to hundreds of thousands of

victims. Services are free of charge and cover the legal, psychosocial and practical domain, and are provided by well-trained volunteers and paid staff. As such VS NL is firmly rooted in society. But there are some weak points to be considered too.

- The position and rights of the victims have been laid down in the Law, but what happens in practice can be quite a different thing. Awareness of victims rights is fairly high, but not everywhere. The Dutch criminal justice system is still predominantly offender-oriented and limited time, capacity and resources have a negative effect on the effectuation of victims' rights. Furthermore the criminal justice system is very bureaucratic and that impairs its ability to address victims needs in a tailor-made fashion.
- Political support is strong in the past and current government, but there is no guarantee that this will be so within future governments. Also the economic crisis and the necessity to cut public spending form a potential risk.
- Although a large number of victims is reached by VS NL, an even larger number is not. Since the main route for victims to come into contact with VS NL is by reporting an offence to the police (see § 4), and since an estimated number of 10-20% of victims actually does report (see §8), the dark number is considerable. Only few victims approach VS NL on their own initiative.
- Victims rights (for example damage compensation) are mainly tied to the criminal procedure. Many victims do not enter the criminal procedure, partly because they do not report to the police, partly because the criminal justice system dismisses quite a number of reports (see §8).
- The close collaboration with to the criminal justice system and its different bodies enables VS NL to be an effective service provider for victims of crime, but also limits its ability to be a 100% independent victims' advocate.
- Victims of traffic accidents and victims of disasters and calamities are two categories of victims being overlooked by the government (in comparison to victims of crime).

2. Preconditions and influencing factors

As described in §1, victim support in the Netherlands has sprung from civil initiative in the 1970's. Three cultural movements paved the road for the victim support organization as we know it today: the feminist struggle and support for victims of male violence resulting in the establishment of shelter homes, the increasing attention for the psychological and material needs of victims of World War II, and increasing attention in the medical field for child abuse. In addition small projects were being initiated by social workers, police officers and volunteers working in the probation service. In a relatively short period of time dozens of local initiatives began to develop, clustering into a platform and evolve into a national association.

In the early years the focus of victim policies was, as far as the government was concerned, on the service aspect; providing practical and emotional support to victims of crime to help them to deal with the consequences and prevent secondary victimization. The emancipation of victim as an autonomous interested party in the criminal procedure, endorsed by legal rights and provisions, did not gain ground until the first decade of the 21st century with the introduction of the Victim Impact Statement. The government as well as the prosecution service and the criminal courts were initially sceptical regarding the expansion of victim's rights in the criminal process, fearing that it might lead to an infringement of the offenders rights and 'drama' - meaning the victim's emotions - in court.

VS NL has advocated incessantly for the strengthening of the position of the victim in the criminal procedure and found its allies in the victims interest groups, scientists like the victimologists Jan van Dijk and Marc Groenhuijsen, Members of Parliament (often themselves having a background in the criminal justice system) and increasingly in the media and public opinion.

This resulted in the current government having designated victim's rights as a priority. Was the introduction in 2011 of a separate victim's chapter in the criminal code (as described in §1) initially viewed as the culmination of victim policy in the Netherlands, since then various new bills have been presented expanding existing rights and introducing new provisions.

3. State compensation for victims

There are three options for victims to file a claim for damages resulting from crime: the compensation procedure in the criminal court, the Violent Crimes Compensation Fund and filing an action in civil court

Compensation

Since the introduction of the current Code of Criminal Procedure in 1926, victims have the possibility to add, as injured party, a claim for damages (caused directly by the crime) to the criminal charges of the prosecution against the offender. Initially the amount that one could claim as a victim was very limited and submitting a claim to the criminal court meant that a consequent civil action could no longer be pursued - whether the claim was awarded or not. When the court awarded compensation it was up to the victim to collect the amount from the offender.

As described before in §1, the 1995 Terwee Act was a considerable improvement of the position of the victim as injured party in the criminal procedure.

- The limit on the amount of damages to be claimed was abolished. The injured party can claim the full amount of material and immaterial damages caused by the crime, provided the claim is well documented and a straightforward assessment by the court is feasible.
- The victim retains the right to file an action in civil court when the criminal court rules the claim to be inadmissible or decides to award only part of the claimed damages.
- The Compensation Order was introduced. If the court ruling includes a Compensation Order, the Central Fine Collection Agency will collect the compensation from the offender on behalf of the victim. If the perpetrator does not pay, a prison sentence has to be served. The victim retains the right to collect the due amount.

In 2011 an advance compensation scheme for victims of violent and sex crimes was introduced. In those cases where the judge awards compensation and imposes the Compensation Order, the State will pay the victim the full amount if the offender fails to do so within 8 months after the verdict has become irrevocable. The State will subsequently recover the due amount from the offender. Imprisonment is applicable if the State fails in its attempt.

The compensation procedure, Compensation Measure and Advance Compensation Scheme can be considered a very effective and victim-friendly mechanism for compensating victims of crime. Once compensation is awarded by the court, the injured party will receive the due amount either through or from the authorities. On the downside however is the fact that only a fairly low percentage of offenders is brought to trial (see §8), and thus only a limited number of victims benefit from this option. Furthermore it is not always clear on what ground the court rules a claim for damages inadmissible or dismisses a claim either partly or altogether. The criteria as laid down in the law are quite vague and open for interpretation. A third remark considers the complexity of the procedure. As 'one-shotters' victims are not familiar with the legal terminology and procedures. Filling out the necessary forms and providing sufficient and relevant documentation to substantiate the claim requires for many victims some form of (legal) assistance. VS NL does offer this assistance free of charge. Lawyers will do so too,

but at a cost (these costs qualify for compensation).

Violent Offences Compensation Fund

A victim may, as a second option, also appeal to the State funded Violent Offences Compensation Fund (VOCF) for a one-time financial compensation. The VOCF has an independent board that decides on the compensation. The VOCF grants compensation to victims of violent crimes who have sustained serious injury. Examples of such crimes are violent theft, mugging, having been under threat of a weapon, assault or rape, as well as domestic violence, stalking en incest. In order to qualify for injury compensation, the victim must meet a number of requirements as defined by law. These are:

- One has to be either a victim, surviving relative/partner or witness,
- of an intentional violent crime,
- that resulted in a serious crime (physical and/or psychological).
- The applicant is not guilty of the crime (in event of contributory negligence, the amount is reduced proportionately).
- The crime was committed in The Netherlands and committed on or after January 1, 1973.
- The damage is not otherwise compensated.

Furthermore the application must be made within three years after the date on which the offense occurred. Exceptions on this rule are possible, depending on the circumstances. The application shall be made by filling in the application form supplemented with supporting documents.

The VOCF grants compensation up to €10.000 for *immaterial* damage. The VOCF uses eight injury categories, related to different severities of the injury. The amount per category is fixed, varying from €600 in category 1 to € 10.000 in category 8.

The VOCF has a limit of €25.000 for compensation of *material* damage. Applicants who disagree with the decision of the VCF, can appeal against this decision.

The advantages of this option for compensation are that when the conditions of the VOCF are met, the applicant receives compensation within a reasonable period of time. It is not a prerequisite that the victim has reported the crime to the police, although the police report does help to substantiate the claim.

There are downfalls too. The 'serious injury' criterion is not well defined. It is not always clear to victims whether their injury is a serious injury by the standards of the VOCF. This can lead to rejection of the application and consequently to disappointment for victims. Secondly, the VOCF will only grant compensation in case of intentional violent crimes. Thirdly the VOCF applies a statute of limitation (1 January 1973) and strict limitations to the amount of damages it pays. Finally filling out the forms and substantiating the claim can be complicated for victims.

For more information:

https://schadefonds.nl/images/pdf/brochures/folder%20engels%20def%20280709%2060092766_schade_a5_engels_v2.pdf

Civil action

Civil action is the most complicated option for victims. To do so, a victim must hire a civil lawyer to represent him in civil court and the burden of proof rests on the victim as plaintiff. Law suits therefore can be lengthy and costly. When the court rules in favour of the victim and awards compensation, collecting the money implies usually requires seizure and the services of a bailiff. To sum up: its is a costly procedure, chances of success are uncertain and winning the procedure does not necessarily mean the victim will get his money.

4. Contacting victims of crime

There are several ways in which victims can come into contact with VS NL:

- Via the police after reporting (active approach by VS NL)
- Via the service number (0900 0101) or website/email www.slachtofferhulp.nl (victim's own initiative)
- Emergency response (crisis intervention)
- In the course of the criminal procedure

Active approach via the police

VS NL is an outreaching victim support organization. Approximately 80% of the victims who come into contact with VS NL do so by reporting to the police. The police will automatically transfer the personal details of the victim and some relevant information on the circumstances of the crime to VS NL if it concerns a more serious crime, unless the victim objects to the transfer. To this purpose the registration system of the police has a direct link to that of VS NL. VS NL will then contact the victim within two working days, usually by phone. In case of less serious crimes, the personal details of the victim will not automatically be transferred to VS NL, but only on request of the victim.

The reason for employing an outreaching approach is that 25 years of experience have led to the conclusion that victims hardly contact VS NL on their own initiative, regardless of its accessibility. The majority of victims does not actively seek for help, although they are in need of support. There is no clear explanation for this. It appears to be more a mental or an emotional impediment than a practical or logistical one. Also a lack of knowledge of what VS NL actually offers to victims might play a role.

Via phone or email (victim's own initiative)

A smaller percentage of victims (+/- 15%) contacts VS NL on their own accord by calling the service number (0900 – 0101) or sending an email. The service number is open from 9:00 – 17:00 Monday to Friday.

After the first contact – whether on the initiative of VS NL or the victim himself – the follow-up is as follows. The intake is done by telephone and all the relevant information is registered. According to the needs of the victim, different services are offered, varying from emotional support, practical help, legal assistance or referral to specialized forms of help. Depending on the severity of the crime, either a case manager (in case of homicide, and severe violent or sex crimes) or a 'regular' employee (mostly volunteers) will be assigned to the victim/client. Case managers provide long term support from various services and represent the clients interests on various domains, as well as psychosocial support. Regular employees provide basic, short term assistance.

Emergency response

When a crisis occurs, emergency response is necessary. A crisis is defined as a high impact incident involving one or more persons, who are in direct need of psychosocial care. These type of incidents range from traffic accidents, suicides, familicide, fire accidents, to plain crashes and industrial disasters. VS NL does provide instant, on site psychosocial care and is able to respond within two hours (but usually less) after receiving an alert from the police or other emergency response services, regardless the location and size of the incident. This is a 24/7/365 service. VS NL also provides after care.

In the course of the criminal procedure

In theory the contact data all victims who report to the police are eligible for or in need of assistance are made available to VS NL. In practice this is not so. Therefore VS NL has also developed very close collaboration with the prosecution office to come into contact with victims who want to effectuate

certain rights in the criminal procedure (for example damage compensation, see §3, or making a Victim Impact Statement). On indication of the prosecution service VS NL will contact the victim and offer assistance. This is particularly relevant when the 'ASAP'-procedure² ('as soon as possible') is applied. ASAP is a scheme for the fast handling of offenders of common crimes who were caught in the act. Within 48 hours the prosecutor decides whether the case is going to trial or whether the offender has to pay a penalty and compensate the victim on the spot. In those cases a quick assessment of the damages is required and that task is assigned to VS NL. If required, VS NL also offers practical and psychosocial in the case at hand.

On paper the described model is highly effective. The automatic electronic transfer of the personal details of the victim from the police to VS NL should guarantee that every victim in need of assistance will be contacted by VS NL. But the system is far from perfect.

- The model depends on victims reporting to the police. The majority does not, as will be shown in §8.
- The police uses different registration systems for different types of crimes. Only the system for registering common crimes is linked to VS NL's registration system. With respect to major crimes VS NL still depends on ad hoc notification by the police.
- The best way to contact victims is to be outreaching. Victims are for some reason not inclined to seek help of their own initiative. VS NL assumption is that victim support is very accessible. There is a national, low cost phone number and an easy to find website. But there are a few blind spots: the category of victims who, due to language problems or social economic status, are not able to contact VS NL via the available means. Then there is the category of highly educated, victims of higher socio-economic status who do not feel addressed by what VS NL stands for. Thirdly there is the category of youngsters. Especially for these last two groups VS NL is developing online services.

5. Identification of victims of crime by public health organizations

Doctors, nurses or other staff in medical institutions may identify people who have become a victim of crime. In these cases they can try to convince the victim to report the crime to the police, or to seek help from social service organisation or a victim support organisation. They are not allowed to report the case of victimisation to the police (or any other institution) without the consent of the victim involved. There is no active policy to inform medical institutions on the subject of victimization.

Children are an exception to this rule. If a professional suspects that a child is abused, he may report this to the Child Abuse Information and Reporting Organisation (CAIRO)³. If the CAIRO accepts the report, they will investigate the matter. The professionals have the right to report this and have the right to breach the privacy rules they have to obey in all other cases. Depending on the results of the investigation, the CAIRO may organise help for the family, inform the Child Protection Agency⁴ or report the police.

6. Restorative Justice practices in the Netherlands

In the Netherlands different forms of restorative justice (RJ) can be distinguished:

- RJ parallel to the criminal justice system. This is the most common practice in the Netherlands,

² In Dutch: ZSM-procedure

³ In Dutch: Advies- en Meldpunt Kindermishandeling (AMK)

⁴ In Dutch: Raad voor de kindbescherming

mostly in the form of a Victim Offender Meeting (VOM), either face to face, by letter or via a third person. Organizing a VOM is the commission of the NGO Victim in Focus (ViF)⁵, an independent NGO. ViF prepares both victims and offenders for the meeting and acts as a neutral mediator. A VOM does not result in an agreement (for example on compensation). The primary object of a VOM is to give both the victim and the offender a different orientation on the crime and on each other by exchanging experiences, emotions and information. An apology is not mandatory, although in most cases the offender does apologize. The outcome of the VOM has – in theory – no influence on the decisions of the prosecution or the court. This is to guaranty maximum sincerity on part of the offender, who has nothing to gain by participating in the VOM, that can organized before as well as during or after the trial.

- RJ as part of the criminal procedure, more specifically: mediation. Criminal mediation is still fairly uncharted terrain in the Netherlands as opposed to mediation in civil disputes. The criminal court of Amsterdam has recently started a pilot on mediation, that will be extended to a number of other courts. A few regional police forces have mediation projects. It is to be expected that the Justice Department will take the lead to develop a national policy concerning mediation in the criminal procedure as a result of the European Directive establishing minimum standards on the rights, support and protection of Victims of Crime. Other parties involved are the police, the prosecution service, the probation service, the courts, independent mediators, ViF and VS NL.

Statistics

ViF receives annually about .1.500 requests for a VOM, and in 50% of the cases the counterparty agrees to meet. This number is increasing. Studies under participants indicate that after the VOM feelings of anger and fear in victims have decreased, and awareness of the (consequences of) their actions has increased in offenders.

There is no information available on the number of police mediations. Mediation within the criminal proceedings are still in the experimental phase and no official statistics are available. It is estimated that it concerns a few dozen cases until now.

Historical and political context of RJ in the Netherlands

Although the Dutch academic world has known a strong RJ movement personified in the abolitionists (Loek Hulsman and Herman Bianchi), in the criminal justice system RJ remained a fairly marginal phenomenon. In a more informal way the police does occasionally mediate between victim and perpetrator with respect to damage compensation.

An explanation for this might be the existence of a solid system of victim support and the criminal justice system offering effective possibilities for compensation to victims, and the introduction of the Victim Impact Statement. Victim's needs for compensation, participation and voice can consequently be met by other means than RJ. This could imply that in countries were victim support is still marginally developed, RJ practices should be more abundant.

Politically RJ did not have a strong support in the Netherlands. Recent governments combined an increasing victim awareness and the development of a victim's rights 'charter' with criminal justice to a tough approach on crime, i.c. on offenders (punitive populism). From that perspective RJ – especially the diversion approach – was considered as a soft approach.

Therefore, RJ in the Netherlands is to this day characterized by a strong victim oriented perspective as illustrated by that fact that the most current practice, VOM, is positioned parallel to the criminal proceedings. Other central values are: voluntariness on part of both the victim and the offender, a thorough preparation of the participants and a strictly neutral intermediary.

⁵ In Dutch: Slachtoffer in Beeld (SiB)

The European Directive establishing minimum standards on the rights, support and protection of Victims of crime introduces provisions on RJ in the criminal proceedings and these have to be implemented on a national level.

RJ and the community

Among the community based RJ are:

- The Own Strength Centre⁶ is striving for a society based on participation and mutual self reliance of citizens, where citizens remain in charge of their own life, especially when dealing with organizations and government bodies. The Own Strength Centre implements the Maori concept of family group conference.
- Neighbourhood mediation, aimed at resolving conflicts between neighbours in their neighbourhood/living environment. Voluntary mediators intermediate between the different parties in order to find a common solution.
- School mediation projects: students are trained as intermediaries to mediate in conflicts between fellow students of in cases of bullying.

Victim support and RJ

ViF and VS NL share an executive director and supervisory board, and are located in the same office building, resulting in close communication and collaboration. VS NL informs her clients on the possibility of a VOM and refers those to ViF who do wish to meet their offender.

ViF is currently intensifying working relations with offender-oriented organizations like the probation service.

7. Secondary victimisation: awareness, occurrence and prevention

Preventing secondary victimization is at the very root of the development of victim support in the Netherlands. Precisely the growing awareness that the way victims were treated by society as a whole and the criminal justice systems in particular led to revictimization, sparked the initiatives that would grow out to be Dutch victim support organization as we know it today. As of the mid eighties, every directive, guideline and law concerning a victim's issue, includes a section on the respectful, decent and empathic treatment of victims, and of other needs that need to be met to prevent revictimization. This is to some degree supported by education and training courses for officials in the criminal justice system.

Comparing the situation in the Netherlands to that in other countries, one could say that victim awareness in the Dutch criminal justice system is relatively high and that the system itself is fairly victim-friendly. But secondary victimisation does occur and in no few cases to a poignant degree. This can only with great efforts be prevented in a system that has as its major priority the prosecution and sentencing of crimes and that has the offender as the central figure. Criminal justice is constructed around the offender and victim's rights will always remain somewhat artificial in this structure. Even the most victim-friendly criminal justice system will inevitably cause secondary victimization merely for being a bureaucratic system. A recent Dutch study identifies a number of factors that influence the risk of secondary victimisation:

- procedural justice (participation, voice)
- interactional justice (treatment)

⁶ In Dutch: Eigen Kracht Centrale

- distributive justice (satisfaction with the outcome of the procedure)
- adequate provision of information
- availability of legal and psychological assistance
- safety measures
- length of the procedure

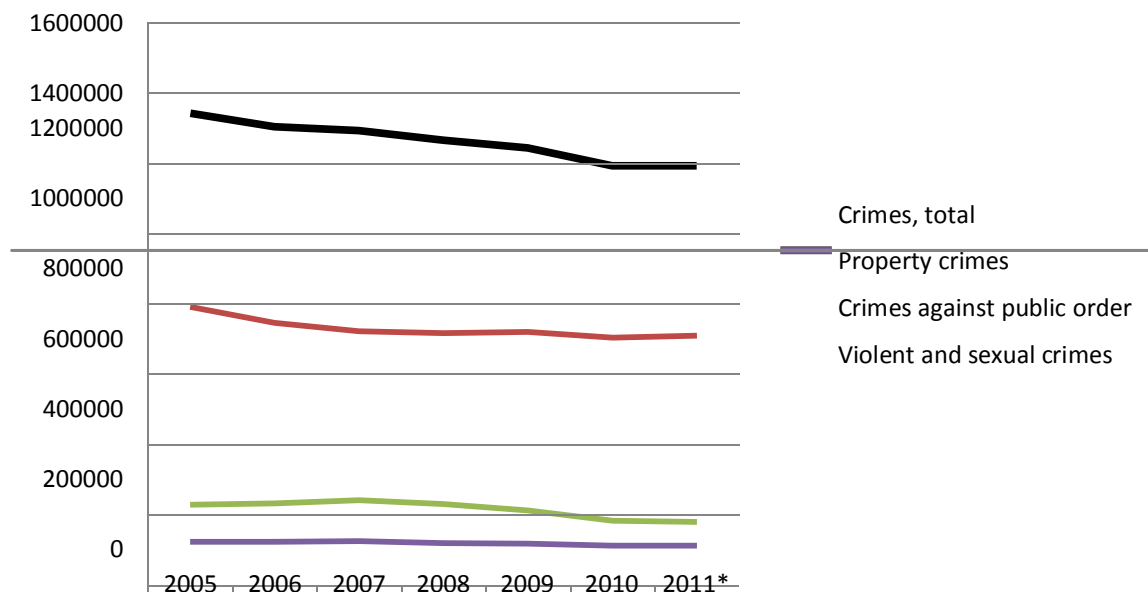
No criminal justice system is able to meet all these requirements in each separate case while at the same time performing its other tasks efficiently and consistently.

Secondary victimization does occur, but to what degree we cannot say. There is anecdotal evidence, but no quantitative research. An important reason for this is that there is no consensus about what secondary victimization is. Usually secondary victimization is defined as the situation where the victim, in the aftermath of the crime, becomes once again victimized by the actions of the criminal justice system or other agencies involved (for example insurance companies). In the victimological discipline secondary victimisation refers to a broad array of adverse effects – social, emotional, financial, physical – whereas in psychology it only applies to recurrence or of psychological trauma. Even if we agree that secondary victimisation is adding damage/pain to the pain and damage already inflicted by the crime; the concept is still problematic. Is a victim severely disappointed with the courts decision a secondary victim? When do disappointment or discomfort become additional damage? It is very difficult to draw a general limit, since it concerns subjective experiences of individual victims.

8. Crime rates and reporting rates

The National Statistics Bureau collects data on registered crime (i.c. offenses reported to the police), victimization and the performance of the criminal justice system. Graphic 1 shows that crime rates in the Netherlands have been relatively stable and even decreasing over the past years.

Graphic 1. Registered crime in the Netherlands



(source: CBS:2011)

However, there appears to be a very high dark number when we compare this to the data collected through victim surveys. In 2011 5.7 million persons reported having been victim of one or more crimes that year, but only 1.1 million victims actually reported to the police - less than 20%!

This leads to the conclusion that the dark number (unreported crime) is very high. Two remarks are in place, however. Firstly, there are some methodological limitations to the victim surveys and secondly, a large portion of the dark number concerns minor crimes, like small thefts, acts of vandalism or a bar fight, which people did not bother to report to the police. It is unlikely that the impact of these crimes call for psychosocial and/or legal assistance to the victims. It is estimated nonetheless that a considerable number of these 5.7 million victims have fallen victim to a more serious crime and do need support. As a result of different studies we now know that only 10% of victims of sex offenses report to the police. Victim of property crimes are more inclined to report to the police because they need the police report to collect the insurance money.

Substantial research has been done into motivations of victims to report or not report crime to the police. The most important reason for not reporting to the police is the conviction of the victim that it has no use, since the police will not pursue the matter. This is usually an accurate assessment given the fact that the police will start investigating only 25% of the crimes reported (due to lack of evidence and limited capacity). Approximately 25% of the victims consider the crime not serious enough to report. Only 1% does not report out of fear of the perpetrator. More reasons are given in table 1.

Table 1 Reasons for not reporting

	2008	2009	2010
	%	%	%
It has no use	37	36	35
The incident was not important	26	27	26,7
It is no police matter	14	14	18
Other/Unknown	14	13,7	13
The crime was already solved	7,5	8	7
Fear of the perpetrator	2	1	1

(source: CBS 2011)

The various actors in the criminal justice system consider increasing reporting rates a priority. Victims who do not report to the police do not automatically come in contact with victim support. Where victims have no need for assistance this is not a problem, but it is estimated that tens of thousands and perhaps even hundreds of thousands victims who do need some form of assistance, are out of reach of VS NL and for some reason do not contact VS NL of their own accord.

Increasing reporting rates however means more pressure on the criminal justice system that, with reporting rates as they are, is not able to process more than 10-25% of cases reported.

9. Protecting and supporting victims of crime a priority of the criminal justice system

As described in §1, supporting victims of crime is both a political priority and a priority in the criminal justice system.

Protecting victims of crime is relevant in two situations: witnesses and their relatives who are severely threatened and victims of offenders who reach the end of the prison sentence.

In the Netherlands only a few witnesses and their relatives are severely threatened by the offender or people acting on behalf of him. This is usually related to forms of severe, organised forms of crime. For the past 20 years, about 200 persons made use of the witness protection scheme that is designed for these cases. They may get a new identity and start a new life (far) away from the social network they had.

Measures protecting the victim against the offender are getting more and more common at the start of the conditional leave of the offender from the prison or mental institution. Possible threats of the offender are seldom the motivation for specific measures. More important is the fact that it may be a shock to the victim when he is suddenly confronted with the offender who is on conditional leave. To prevent this, the victim may be asked to be informed when the offender starts this period of conditional leave, so he can prepare himself mentally for the confrontation. In addition to this, one of the conditions for the conditional leave might be that the offender is not allowed to go to the specific city or surroundings where the victim or the surviving relatives (in case of murder/manslaughter) live.

10. Lessons to be learned

The European Directive establishing minimum standards on the rights, support and protection of Victims of Crime will be the benchmark for victim support services in the upcoming years. Latvia has the opportunity to benefit from all the knowledge that comes together in this directive to organise a coherent system of victim support from the start, where many countries - including the Netherlands - have to make complex adaptations to a system that has grown organically over a long period of time. Positive and negative lessons to be learned from the Netherlands are closely connected with the political situation, with the way the criminal justice system works and with the way social and health care is organised in the country. In other words: the lessons that are drawn in the Netherlands are not easily copied to other countries.

Three lessons might be universal:

- Making laws and regulations for victims is one thing. To make these work in practice is the real challenge. No law or regulation should pass without a clear view on the consequences for the (people in) the organisations that have to put the rights for victims into practice. These people should not only be properly informed, but also duly trained.
- Victim support in the Netherlands started bottom up. For a long period of time, the level of services and the possibility for victims to exercise their rights have differed from region to region. With the European Directive, a uniform level throughout the country has to be organised.
- Rights and support for victims might look as a burden for the State. But when they are in place, they contribute to the confidence citizens have in their government in general and more specific in the criminal justice system. Organising safety and security for the citizens is a key function of the State. Rights and support for victims are part of this key function.