



Rights of victims of criminal offences

Are you a victim of a criminal offence? Or are you a surviving relative of a victim? If so, you have a number of rights. Below you can read about these rights. These rights also apply if you do not live in the Netherlands or if you have no residency status in the Netherlands. The explanation on page 3 contains more information about these rights.

1. You have a right to be informed

Not only to be informed about your rights, but also about reporting a criminal offence and about what happens to your case after that. If you want, the police and the Public Prosecution Service will keep you informed about your case. If you have any questions about what happens to your case, you should call the police or the Public Prosecution Service. If any of your property has been seized, you have a right to be informed about this.

2. You have a right to assistance

For free assistance, advice and information, you can contact a number of organisations, for example Victim Support Netherlands. Victim Support Netherlands can help you in a legal, practical and emotional area.

3. You can be given protection

Do you fear for your safety? Are you afraid that you become a victim of another offence, for example? If so, you should talk to the police or the public prosecutor about this. Together with you, they will assess what they can do to protect you and what action you can take yourself. Do you decide to report a criminal offence to the police? You can ask the police not to put your name and address in your report, for example.

4. You may report to the police

Anyone may report a criminal offence to the police, including minors. There are several ways to report a criminal offence, for example through the Internet or by telephone. Before reporting a criminal offence, you will be given information about what happens during your report and after that.

5. You may be represented

You may always be represented by a lawyer, for example during the report to the police or the criminal hearing. In a number of cases, you do not have to pay any lawyer's fees. If you want someone else to represent you, for example a friend, a family member or a staff member of Victim Support Netherlands, you can ask the police or the public prosecutor. If you are not allowed to do so, they will explain to you why not.

6. You can ask for an interpreter if you have difficulties understanding the Dutch language

Do you have difficulties understanding the Dutch language? If so, you should ask the police or the public prosecutor for an interpreter. If they arrange an interpreter for you, for example during the report to the police or the interview, this will

be free of charge. If you want a written translation of the documents pertaining to your report or the criminal case, you should send a letter to the public prosecutor or the judge. Victim Support Netherlands or a lawyer can help you with this.

7. You can request compensation for your damage

Did you suffer damage as a result of the criminal offence and is there a suspect? If so, it is often possible to request compensation from the offender. The public prosecutor or the judge will then decide whether the offender has to compensate you for the damage. In some cases, the Criminal Injuries Compensation Fund (*Schadefonds Geweldsmisdrijven*) can pay you compensation for your damage. A lawyer or Victim Support Netherlands can help you with this.

8. You may ask to come into contact with the suspect or offender

Victim Support Netherlands can refer you to organisations that will help you to come into contact with a suspect or offender. They will then ask the suspect or offender if he wants to come into contact with you as well. If this is the case, you are allowed to come into contact.

9. You have a right to fair treatment

The organisations you are in contact with about your case must treat you fairly. And they have to take account of what matters to you. If you think you are treated unfairly, you can submit a complaint to the organisation treating you unfairly.

10. You may complain if the Public Prosecution Service decides that there will be no criminal case

Does the public prosecutor decide that the suspect is not prosecuted? And do you disagree with this decision? If so, you may send a complaint to the court of appeal. The court of appeal will then decide if the suspect still has to be prosecuted. A lawyer or Victim Support Netherlands can help you with this.

11. You may request to inspect the records of the criminal case

You can ask the public prosecutor or judge for this. You can also ask the public prosecutor to add documents to the records of your case. A lawyer or Victim Support Netherlands can help you with this.

12. You can be paid compensation if you have to testify

Are you a witness in a criminal case? And, as a result, do you incur travel expenses or expenses because you are unable to work? If so, you may reclaim these expenses from the government. Victim Support Netherlands can help you with this.

13. You have a right to address the court

Are you a victim of a serious criminal offence or a surviving relative of the victim? And will there be a criminal hearing? If so, you may address the court about what it is you want, for example about the punishment you believe would be appropriate for the suspect or about the consequences of the criminal offence for you. Sometimes, you can also have a meeting with the public prosecutor before the hearing. A lawyer or Victim Support Netherlands can help you prepare for this meeting.

14. You have a right to be informed about any leave, release or escape of the suspect or offender

If you want, the public prosecutor or the judge will keep you informed of any leave, release or escape of the suspect or the offender.

What are your rights if you are a victim of a criminal offence?

Explanation

This explanation contains more information about your rights. You can also read about the action you can take and the organisations that can help you with this. If you have any questions about your rights, you can contact Victim Support Netherlands. The telephone number is 0900 - 01 01.

1. You have a right to be informed

You have a right to be informed about your rights, but also about reporting a criminal offence and about what happens to your case after that.

If you want to be informed about your report, the investigation or any criminal case, the police and the public prosecutor must provide the information. You can later decide that you do not want to be informed after all. Or did you first not want any information, but do you do now? If so, you should notify the police or the public prosecutor.

Who will inform you?

First, the police will inform you about their investigation. If a suspect has been arrested, the Public Prosecution Service will inform you of any criminal case. The Public Prosecution Service will inform you of the procedure and of your rights.

You may also ask the police or the Public Prosecution Service for information about your case. See www.politie.nl or www.om.nl for more information.

Moreover, you can always contact the Victim Support Desk for information about your report, the investigation and any criminal case.

Information about how to contact the Victim Support Desk can be found at www.slachtofferloket.nl.

What information is provided to you?

- The police will let you know what they will do after your report. Will the police not be investigating your report? Or will the police close their investigation without finding a suspect?
- If so, the police must inform you of their reasons for doing so. If you disagree with this, you can send a letter to the public prosecutor. Victim Support Netherlands can help you with this.
- You can call them at 0900 - 01 01.
- The police or the public prosecutor will inform you if a suspect is found in your case.

- If a suspect is in prison, the public prosecutor will inform you of his leave, release or any escape.
- Does the public prosecutor decide that the suspect will not be prosecuted? If so, the public prosecutor will let you know why not. If you disagree with this decision, you may file a complaint with the Court of Appeal. A lawyer can help you with this.
- If the public prosecutor decides to prosecute the suspect, the criminal case will be brought before the court. You will then be provided with the following information:
 - What the suspect is prosecuted for.
 - The place and date of the criminal case.
 - The punishment the court imposes on the suspect.
 - Whether or not the suspect or the Public Prosecution Service lodges an appeal.
 - Whether you are paid compensation. And whether the government will pay part of this amount to you in advance.
 - If the offender is in prison, you will be informed of his leave, release or any escape.

If there is a change in your contact details

The police and the Public Prosecution Service need your contact details in order to provide you with information. If you move house or have a new telephone number or e-mail address, you should notify the police, the Public Prosecution Service or the Victim Support Desk.

Information about seized property

If your property has been seized as evidence in the criminal case, you have a right to know where your property is stored and whether and when it is returned to you. Victim Support Netherlands can help you reclaim your property. More information about the seizure of property can be found on the website of the Public Prosecution Service: <https://www.om.nl/onderwerpen/beslag/>

2. You have a right to assistance

As a victim, you are entitled to free assistance, advice and information from the organisations listed below, even if you do not report the criminal offence. An overview of organisations that can help you can be found at www.slachtofferwijzer.nl.

General practitioner

If you are ill, injured or have psychological complaints, you should contact your general practitioner.

Victim Support Netherlands

Victim Support Netherlands (*Slachtofferhulp Nederland*) helps victims and surviving relatives of victims of a criminal offence, road accident or disaster. They also help witnesses and other persons involved. The help is free of charge. A staff member of Victim Support Netherlands can provide the following assistance:

- *Legal assistance.* He or she can provide you with information about and counselling during the criminal proceedings, help you with the damage you suffered as a result of the incident and inform you of your rights, for example.
- *Practical assistance.* He or she can help you complete forms, for example.
- *Emotional assistance.* You can talk to him or her about what happened, for example.

Do you need any other assistance? From a general practitioner, social worker, legal expert or other care provider, for example? If so, Victim Support Netherlands will refer you. Do you want to contact Victim Support Netherlands? They can be reached from Monday to Friday from 9.00 am to 5.00 pm.

Telephone number: 0900 0101

Website: www.slachtofferhulp.nl

Sexual Violence Centre

If you are a victim of a rape or sexual assault, the Sexual Violence Centre (*Centrum Seksueel Geweld*) can assist you. They can be reached day and night.

Website: www.centrumseksueelgeweld.nl

Safe Home

Safe Home (*Veilig Thuis*) helps anyone who is facing domestic violence or child abuse. A Safe Home staff member will listen to you, answer your questions and, together with you, assess what professional help you need. Do you want to contact Safe Home?

Telephone number: 0800 2000

Website: www.vooreenveiligthuis.nl

3. You can be given protection

Do you fear for your safety? Are you afraid that you become a victim of another offence, for example? If so, you should talk to the police and the public prosecutor about this. Together with you, they will assess what they can do to protect you and what action you can take yourself. A few examples are given below.

With the police

You can ask the police if you can report the criminal offence without including your address in the report. You can then choose to put a different address in the report, for example your lawyer's address. This is called an address for service. Please note that the police and the Public Prosecution Service will send any post to this address, and therefore not to your own address.

You can also ask the police if you can report the criminal offence without including your name in the report. In special cases, the police will then write down a number instead of your name. If other persons want to read information about your report or the investigation, they will only see the number. In that case, your details will not be included in the criminal file either.

With the public prosecutor

If the examining judge wants to hear you as a witness, you can ask the public prosecutor if you can be heard anonymously. Does the suspect know you or does he have your details? Do you not want him to contact you? Or to come near you? If so, you can ask the public prosecutor to forbid this.

Do you already receive protection under a retraining or exclusion order? Do you also want such order to be issued in another EU country? If so, the public prosecutor can ask the other EU country on your behalf to issue such order. The other EU country can take over the protection under its own law.

With the court

You can also receive protection in court. You can ask the public prosecutor to ask the court to hear the case at a closed session. This means that no audience is allowed during the hearing of your case.

You can also ask the public prosecutor if you may sit at a special place for victims in the courtroom. Or if you may wait in a separate room for the hearing to start.

4. You may report to the police

Anyone may report a criminal offence to the police. The police is obliged to take down your statement. If a child aged 12 or younger reports a criminal offence, the police will always contact the parents. Sometimes, a child cannot report a criminal offence and his or her parent do this.

How to report a criminal offence?

There are several ways to report a criminal offence:

- Via the Internet: at www.politie.nl.
- By telephone, at 0900 8844.
- At a police station. You are free to choose any police station. You can make an appointment for this by calling
 - 0900 - 8844. If you make an appointment, you do not have to wait.
- Sometimes, there are other options, for example at your home. The best way for you to report a criminal offence also depends on what happened. The police will help you make a choice. More information about reporting criminal offences can be found at www.politie.nl.

A copy of your report

The police will give you a copy of your report or a confirmation of your report. This confirmation can be given to you in Dutch, English, German or French. If you want the confirmation in another language, you should ask for an interpreter.

The police will store your report

Sometimes, no investigation is conducted. And sometimes the police will close the investigation without arresting a suspect. The police will then store your report. Even if the police cannot find a suspect, it will be useful to report the offence. Then the police will know what offences are committed and where and will be able to respond to this.

Moreover, you may have to report the offence for insurance purposes. A report may also help if you want to file an application with the Criminal Injuries Compensation Fund.

Victim abroad

- If you are a victim of a criminal offence committed outside the European Union, you should report the offence in that country.
- If you are a victim of a criminal offence committed in a country that is a member of the European Union, you can report the offence in that country. Are you unable to do this, for example because you are on your way home? Or has a serious criminal offence been committed? If so, you may also report the offence in the Netherlands or in another country that is a member of the European Union.
- If you are a victim of a criminal offence committed in the Netherlands, you may report the offence in the Netherlands. Are you not a Dutch resident? Sometimes, the police will arrange for you to do the interview by telephone or video call. From abroad, you can reach the police in the Netherlands at 0031-343 57 8844.

5. You may be represented

By a lawyer

You may always be represented by a lawyer, for example when reporting the offence or during the criminal hearing. Are you a victim of a violent crime or sex crime, for example a rape or sexual assault? Or are you a surviving relative of a victim? If so, you will be entitled to free legal assistance under certain circumstances. The police and public prosecutor may never refuse legal assistance. They are also not allowed to do so during the interview. You can choose a lawyer from the list of victim lawyers on the website of the Legal Aid Board: <http://www.rechtsbijstand.nl/over-mediation-en-rechtsbijstand/vind-een-mediator-of-advocaat/advocaat>.

By Victim Support Netherlands or someone else

You may also choose someone else to represent you, for example a staff member of Victim Support Netherlands or a friend or family member. The police, public prosecutor or the judge may decide that this person is not allowed to represent you. They must have a good reason for doing so, for example if this is in the interest of the investigation.

6. You can ask for an interpreter if you have difficulties understanding the Dutch language

Do you have difficulties understanding the Dutch language? If so, you should ask the police or the public prosecutor for an interpreter. If they arrange an interpreter for you, for example during the report to the police or the interview, this will be free of charge.

If you want a written translation of the documents pertaining to your report, the investigation or the criminal case, you should send a letter to the public prosecutor or the judge. Victim Support Netherlands can help you with this.

7. You can request compensation for your damage

Did you suffer damage as a result of the criminal offence? Is there any damage to your property, or are you injured for example? Or did you incur psychological damage because you are shocked or scared? If so, you should notify the police during the report. It is often possible to request compensation from the offender.

How does it work?

The Public Prosecution Service will give you a form. In this form, you fill in the type of damage you suffered and the amount of compensation you request. Victim Support Netherlands or a lawyer can help you fill in this form. During the criminal case, the public prosecutor or the judge has to take account of your damage. And the public prosecutor may demand that the offender compensate all or part of the amount of the damage to you.

If the offender has to pay you for your damage

If the public prosecutor or the judge decides that the offender has to pay an amount to you, the Central Fine Collection Agency (*Centraal Justitieel Incassobureau*, CJIB) will reclaim this amount from the offender on your behalf.

If, after eight months following the decision of the public prosecutor or the judge, you still have not received the full amount, the CJIB may pay this amount to you in advance. The CJIB pays you no more than € 5,000.00.

If you are a victim of a violent crime or sex crime, the CJIB will pay you the full amount of your damage.

Do you want to contact the Victim Compensation Order Information Centre (*Slachtoffer Informatiepunt Schadevergoedingsmaatregelen*)? Telephone number: (0900) 753 753 7

Criminal Injuries Compensation Fund

In some cases, the Criminal Injuries Compensation Fund (*Schadefonds Geweldsmisdrijven*) can pay you compensation for your damage. Victim Support Netherlands can help you fill in the application form.

Do you want to contact the Criminal Injuries Compensation Fund?
Telephone number: 003170 4142000
Website: www.schadefonds.nl

8. You may ask to come into contact with the suspect or offender

Some victims would like to talk to the suspect or offender, or send him a letter. If you want this, you can contact Victim Support Netherlands by calling 0900-0101. They know the organisations that can help you with this. The suspect or offender will then be asked if he wants to come into contact with you as well. If he does not want this, you cannot come into contact with him.

When are you allowed to have contact?

You may always ask to come into contact with the suspect or offender, so during and after the criminal case.

Would you like more information?

- Victim Support Netherlands or the public prosecutor can give you more information about contact with the suspect or offender.
- The available options can be found at www.slachtofferwijzer.nl, or on the website of 'Slachtoffer in Beeld' (Victim in Focus): www.slachtofferinbeeld.nl.

9. You have a right to fair treatment

The organisations you are in contact with about your case must treat you fairly. And they have to take account of what matters to you. If you think you are treated unfairly, you can submit a complaint to the organisation treating you unfairly. On the websites of the various organisations, you can find more information about how to submit a complaint.

10. You may complain if the Public Prosecution Service decides that there will be no criminal case

Does the public prosecutor decide that the suspect will not be prosecuted? And do you disagree with this decision? If so, you should send a letter to the court of appeal. A lawyer or Victim Support Netherlands can help you with this. The court of appeal will then decide if the suspect still has to be prosecuted.

11. You may request to inspect the records of the criminal case

- Sometimes, you are allowed to inspect the records that are relevant for you. You may also ask for a copy of the records. You can ask the public prosecutor, who has to give permission for this. A lawyer or Victim Support Netherlands can help you with this.
- If you want documents to be added to the records, you can ask the public prosecutor, who has to give permission for this. A lawyer or Victim Support Netherlands can help you with this.

12. You can be paid compensation if you have to testify

Are you a witness in a criminal case? And, as a result, do you incur travel expenses or expenses because you are unable to work? If so, you may reclaim these expenses from the government. The subpoena or notice to appear will contain more information about this. Victim Support Netherlands can help you with this.

13. You have a right to address the court

Are you a victim of a serious criminal offence or a surviving relative of a victim? And will there be a criminal hearing? If so, you may address the court about what it is you want, for example about the punishment you believe would be appropriate for the suspect or about the consequences of the criminal offence for you. A lawyer or Victim Support Netherlands can help you with this.

Sometimes, someone else may also address the court on your behalf, for example if you are afraid to address the court yourself. Ask a lawyer or Victim Support Netherlands to help you request permission for this.

Do you prefer to write a letter?

You may also write a letter stating, for example, the consequences of the criminal offence for you or the punishment you believe would be appropriate for the suspect. A lawyer or Victim Support Netherlands can help you with this. Your letter will be included in the records of the criminal case. This will allow the judge, the public prosecutor and the suspect to read the letter.

A meeting with the public prosecutor

Sometimes, you can have a personal meeting with the public prosecutor to (also) tell your story. This meeting will take place before the hearing. The public prosecutor will tell you what will happen during the hearing. And you can ask him questions. A lawyer or Victim Support Netherlands can help you prepare for this meeting.

14. You have a right to be informed about any leave, release or escape of the suspect or offender

If there is a suspect or offender and he is in prison, you are entitled to information in the following situations. The public prosecutor or the court will make sure that you are informed if:

- The suspect or offender is on leave.
- The suspect or offender is released.
- The suspect or offender has escaped.

Is the suspect or offender released or has he escaped? And are you therefore given protection? If so, you will also be given information about how you are protected.