

Comparative legal research
Rights and Protection of Vulnerable
Victims in Criminal Proceedings

Executive summary



This report presents the conclusions of comparative legal research on the rights and protection of vulnerable victims in criminal proceedings highlighting the most relevant results from the implementation of the European Union's Directive 2012/29/EU. Introduced on 25 October 2012, the Directive established minimum standards on the rights, support and protection of victims of crime in nine European Union Member States, including Spain, with a specific focus on victims with special protection needs.

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To ensure a minimum level of protection of victims' rights in all Member States, the EU adopted the Directive 2012/29/EU on 25 October 2012, which establishes minimum standards on the rights, support and protection of victims of crime to ensure that persons who have fallen victim of crime are recognised, treated with respect and receive proper protection, support and access to justice. The Directive strengthens the rights of victims and their family members to information, support and protection and victims' procedural rights in criminal proceedings. The Directive also requires that the Member States ensure appropriate training on victims' needs for officials who are likely to come into contact with victims and encourage cooperation between Member States and coordination of national services of their actions on victims' rights. EU Member States were required to implement the provisions of the Directive into their national laws by 16 November 2015.

Since 1948, the Carmen Pardo-Valcarce Foundation (hereinafter, the Foundation) has worked for the rights and participation in society of people with intellectual disabilities in Spain. In addition to its other services, the Foundation developed the first specialized support service for victims of crime who have intellectual disabilities in order to help end their vulnerability to abuse. Through this service, they accompany and support victims and witnesses with intellectual disabilities throughout the criminal process, they advocate for their ability to participate in the process on an equal basis with others, and they train professionals who are directly involved in these cases (i.e. police, judges, public prosecutors, forensic and clinical psychologists) to help them communicate and engage with these vulnerable victims/witnesses in the most appropriate way.

A growing part of the work of the Foundation now involves advocacy for the comprehensive implementation of this EU Directive and the UN Convention on the Rights of Persons with Disabilities. To support this work, the Carmen Pardo-Valcarce Foundation joined Trustlaw¹ to conduct a comparative study of several EU Member States (Belgium, Finland, France, Germany, Italy, Netherlands, Portugal, England & Wales, and Spain) to understand how they have implemented the EU Directive in national legislation, in respect of the rights and protections of particularly vulnerable victims in criminal proceedings. In particular, the aim of the report was to identify and analyse the specific measures adopted in each country to assist victims with specific protection needs (such as people with disabilities), as required under Chapter 4 of the EU Directive. Two international law firms, White & Case² and WilmerHale³, conducted the research.

1 Trustlaw is a Thomson Reuters Foundation's global pro bono service that connects NGOs and social enterprises with the best law firms around the world.

2 On behalf of White & Case were: Laurent Lantonnois (Belgium); Tanja Törnkvist, Essi Lavikkala, Jussi Kukko and Terhi Salmi (Finland); Patrick Rickefor (England and Wales); And Matthias Goetz (Germany).

3 On behalf of WilmerHale were: Philippe Claessens (Netherlands); And Frédéric Louis and Mercedes Segoviano Guilarte (Netherlands, Italy, France and Portugal).

The result of the research is this report, which is divided by Member State and structured as follows: first, a summary that identifies and analyses the legislation and regulations that have been adopted to set protocols for the treatment of victims with special protection needs during criminal proceedings, and how the local legislation compares to the EU Directive; second, a detailed description of the specific measures and procedures adopted to protect victims with special protection needs in criminal proceedings, which includes measures applicable to judges, prosecutors, court staff, police officers, healthcare practitioners and any other practitioners that come in contact with victims as part of criminal proceedings; and finally, a summary of case law and any reported data that shows how this legislation and the EU Directive are being interpreted and how these special measures and procedures are being applied in practice.

The research will be used to inform the work of professionals in the administration of justice in Spain and to promote the adoption of regulations and specific protocols containing measures to assist and protect particularly vulnerable victims during their progress through the criminal justice system, as well as to disseminate the findings of the research more widely among EU members to encourage the adoption of best practices and enhanced protections.

Belgium

As a general conclusion it can be stated that, even though Belgium has implemented a series of rights and protections for victims in criminal proceedings over the years, it still falls short of the standards set by the Directive. The APAV report on the Implementation of the EU Framework Decision on the standing of victims in the criminal proceedings in the Member States of the European Union, drafted in 2009, already highlights several shortcomings in the Belgian legislation and practice in respect to the treatment of vulnerable victims when compared to the standards set out by the Framework Decision. The entry into force of the Directive, which has set even higher standards than the earlier Framework Decision, has not been accompanied by new rules, protocols or guidelines to reflect such strengthening in protection of vulnerable victims.

Among the better practices in Belgium, is the excellent work performed by victims support organizations, often in situations of reduced subsidies from the federal and regional governments due to austerity measures. Belgium's treatment of vulnerable victims relies effectively on the work of social workers and practitioners, as the police's official guidelines explicitly acknowledge.

The Belgian legislator has also to be congratulated for the dispositions it enacted regarding the treatment of children in criminal procedures, as the videotaping of interviews and the respect of privacy during questionings and in the media are essential values protected by Belgian law. However, practitioners have commented that in practice the protections granted by the law are not always effectively carried out, especially due to the lack of administrative resources (the full transcription of video recorded hearings is very time-consuming for instance).

On other aspects of vulnerable victim protection, the outlook is grimmer. First and foremost, of course, there is the lack of implementation of the Directive, as well as the lack of

legislative proposals in that direction. The Belgian lawmaker apparently is of the opinion that the current legislative framework complies with the objectives of the Directive. The above analysis under point 1 shows that this is not the case yet.

Belgium also needs to reconsider its reliance on the fact that victims will come forward and identify themselves as having some kind of formal status during the investigation (ag-grieved person) or proceedings (plaintiff). Victims are often not inclined to take affirmative steps that might mean reliving a situation they want to forget as much as possible, and this currently means that they are then deprived of information rights and of the right to be heard during the proceedings or the right to protection (which is limited to witnesses and their relatives, a very dangerous situation). As a result, vulnerable victims, who are especially at risk of not wanting/being able to take on a more formal role in the procedure, are deprived of some fundamental rights. However, in the latest legislative acts, the lawmaker seems to acknowledge that this must change, and victims who have not participated in the proceedings in any form, for instance because of specific vulnerabilities limiting their capacity to participate, can now ask to be informed about the modalities of the execution of the criminal sentence, and even intervene in the procedure of early release.

We can only hope that the Belgian legislator will promptly implement the Directive by complementing the existing legislation where it falls short of the objectives of the Directive. Otherwise, plaintiffs could start invoking the rights offered by the Directive directly in front of the Belgian courts in order to be able to exercise the rights that the European legislator has bestowed upon them.

Finland

Less than half of the articles of the Directive required changes to the Finnish legislation as the Finnish legislation already met the requirements of the Directive for the most part. The articles that required legislative actions were Articles 4, 5, 6, 7, 12, 22 and 23, and the required changes and wordings were tailored into many different acts relevant for criminal processes.

In addition to having relevant legislation in place, pursuant to the Commission Final Report, training and communication are the key issues when improving the protection of victims. Improving communication and practices as well as providing training for authorities should be promoted extensively, continuously and by allocating enough resources to such activities. Attention should also be paid to the importance of international cooperation and collaboration of different authorities.

France

Although there is scope for improvement within the French system, France counts on a number of good practices that supplement its legal and regulatory framework. Indeed, the French system relies on an extensive network of institutions specialized in supporting child victims. Since 2000, the Children's Ombudsman promotes and ensures the protection of minors. In 2004 the National Observatory for Children in Danger was set up and aims at preventing and identifying cases of child abandonment and abuse. Other types of measures have been taken, such as the publication of good practices guides. Within the field of criminal proceedings, the Ministry of Justice and the Ministry of Education have published

a shared official guide containing good practices to apply in the presence of child victims of criminal offences. The guide gives advice on how to act to improve the treatment of child victims and outlines the various stages of intervention if a child is a victim of crime.

On the other hand, as already seen, one of the weaknesses of the French system is the extensive number of provisions that are scattered across different pieces of legislation. In addition, the procedure in place is designed to mainly focus on offences of a sexual nature. In this sense, the main weakness of French provisions is their limited scope of application, which prevents them from being enforced in all proceedings involving a child victim, irrespective of the type of offence.

Germany

In conclusion, there was not much work to do for the German legislator in order to transpose the Directive. Most of the required measures for protection of victims during criminal proceedings were already in place. With regard to vulnerable victims, sec. 48 para 3 StPO plays a central role but serves mainly as a clarification. All rights for vulnerable victims as set out in the Directive already existed. The rights and measures are placed in different sections, even in different acts in German criminal law. In general, the changes brought in by the Directive are unlikely to have much of an effect in practice. The new rules regarding psychosocial support, however, are indeed a big step to support victims, in particular, children and disabled people - a step that goes beyond what is required under the Directive.

In light of the above, it is evident that many of the provisions in the Directive had already been implemented in German law. Only minor adjustments were required to existing legislation to bring them in line with any new requirements. As such, Germany's "patchwork" nature of the laws on this subject matter may not be the most straightforward example to follow in a comparative study of the transposition of the Directive into national Member State law.

Italy

Italian legislation already complies with all of the articles of Chapter 4 of the Directive, at least partially (i.e. Articles 18, 19, 20, 21, 22, 23 and 24). There is, however, scope for improvement. In addition, the Italian system relies on an extensive network of institutions that specialize in the protection of child victims and gender-based violence throughout the national territory.

On the other hand, one of the weaknesses of the Italian system is the extensive number of provisions that are scattered across different pieces of legislation. In addition, some of the justifications set out in the explanatory memorandum of the Italian Government do not seem to validate the rights accorded by the Directive and the spirit of the Directive itself. In particular, some pieces of the Italian legislation already in place before the implementation of the Directive do not seem to be specific enough to meet the Directive's criteria. It remains to be seen to what extent case law will add precision to the implementing legislation and whether it will advocate for a more extensive respect of the rights of vulnerable victims as set out in the Directive.

Netherlands

Most of the guarantees that the Directive required were already implemented in Dutch law, such as the right of victims to receive information during proceedings or the right to be assisted during hearings. Of the provisions in Chapter 4 of the Directive, only Article 20(c) required a legislative amendment to the Dutch Code of Criminal Procedure. Articles 18, 19, 20(a), (b) and (d), 22, 23 and 24 of the Directive are partially covered by the existing legislation but, to the extent that further implementing measures may be required, the Dutch legislator intends to grant the Government the power to adopt governmental decrees.

In addition to the existing legislation, the Netherlands has in place an extensive network of victim support throughout the territory, in particular for minors and for domestic violence victims. Attention should be paid to the collaboration of the different authorities and trainings should be further promoted.

Portugal

Before the implementation of the Directive, the Portuguese legislation partially covered several articles of Chapter 4 of the Directive (i.e. Articles 19, 20, 21, and 23). The status of the victim was not recognized as such in the Portuguese legal system, therefore the legislator has rightly adopted this status in the implementing law. In particular, the implementing law has accurately transposed the provisions of Articles 22 and 23 of the Directive establishing the individual assessment and rights of the victims with specific protection needs. Due to the fact that, when transposing these articles the legislator decided to adopt the same wording as the Directive's, the implementing law assures a high degree of protection for victims in theory, especially for victims with specific protection needs. It remains to be seen to what extent these provisions will be implemented in practice. All in all, the implementation of the Directive through Law 130/2015 has proven to be a good practice that ensures an adequate protection level for the victim in line with the spirit of the Directive.

As a bad practice, it could be argued that, given that training and communication are two of the key issues when improving the protection of victims, the Portuguese system has room for more detailed legislation as regards the implementation of Article 25 of the Directive. In this sense, specific rules for the training of the different practitioners could be set in order to allow for a comprehensive promotion of the protection of victims in practice.

England and Wales

As a conclusion, the best measures adopted to support victims in criminal proceedings are the following:

- If a victim does not fall into the three categories of victims with specific protection needs, although the service provider is not obliged to do so, the service provider may exercise its discretion and provide Enhanced Entitlements under one of the categories depending on the circumstances of the victim concerned and the impact that the crime has had on them ([1.7] Chapter 1).
- The Code of Practice (2015) assumes that the victim is entitled to Enhanced Entitlements if the victim is under 18 years old when the crime happens ([1.2] Chapter 1).

- If the age of the victim is uncertain and there are reasons to believe that the person is under 18 years old, service providers must presume that the victim is under 18 years old ([1.46] Chapter 5).
- Ensuring that victims are entitled to receive support and information from all relevant public sector bodies, organisations such as HMRC, the Serious Fraud Office and the National Crime Agency now have obligations to victims under the Code of Practice (2015).
- Victims are now entitled to choose to make a Victim Personal Statement (VPS) and to read it out in court if the offender is found guilty.

On the other hand, there is no apparent appeal process in place for victims who do not qualify for Special Measures, according to the CPS. Also, as victims with specific protection needs might find the police intimidating, another party (such as a state psychologist) should be allowed to conduct the assessment instead, but this is not covered by the legislation. Finally, the Code of Practice (2015) does not explicitly state that if there is a conflict between the holders of parental responsibility and the children or where the child is separated from the family, a special representative should be appointed for child victims.

Spain

The Directive was adopted in Spain by Law 4/2015, of April 27th, on Crime Victims' Legal Status, which entered into force on October 28th, 2015. As in the case of Portugal, this Law practically transposes the full text of the Directive, establishing a series of measures and rights related to all victims whatever their status and the crime suffered, and adding a chapter on additional measures of protection for particularly vulnerable victims.

As favorable aspects of the legislation, the following should be highlighted: Law 4/2015 includes all of the rights and measures included in the Directive, and even extends some of them to cases not stipulated therein. For example, it includes pre-constitution of the victim's declaration in certain cases, apart from being a child, or the power to appoint a legal defender when the interests of the minor victim or person with disabilities conflict with those of the legal representatives. Also the new legislation promotes the creation of Victim Assistance Offices, as well as the training of every professional (law enforcement agents, judges and judicial staff, prosecutors, lawyers, healthcare and social services professionals, etc.) that will come into contact with the victims. In addition, a regulation developing the law has also been adopted, which defines the procedure for carrying out the evaluation of victims in order to detect their special protection needs. Finally, law enforcement agents have specific protocols for police handling of vulnerable victims.

However, some areas should be improved, of which the following are notable examples:

1. in contrast to the law enforcement agents, to date no protocols have been established for the assistance of vulnerable victims in courts.
2. a program for the training of police officers and legal operators in order to provide the best treatment of victims, has not yet been specified.
3. as in Germany, the Spanish territorial organization and the system of competences attributed by the Autonomous Communities cause significant differences in certain areas covered by the Law 4/2015, such as the implementation of the Victim Assistance Offices.

Overall conclusion

In terms of transposition, most of the analysed Member States comply with the implementation of the Directive. Some of them, like Germany or England and Wales, already had legislation regulating the participation and protection of victims in criminal proceedings, and have only had to introduce minor modifications. Most of the Member States, however, have adopted one or more ad hoc laws, which contain, to a greater or lesser extent, the provisions of the Directive. Thus, countries like Finland, France, Italy, Portugal or Spain have approved –all of them during 2015– laws for the transposition of the Directive, which in almost all cases respect its content. On the other hand, there are some countries that have not yet completed their transposition period: in the Netherlands, although it has already made some specific legislative changes, the legislative changes implementing the Directive will not enter into force until they have been approved by the Senate (the legislative proposal was scheduled for first discussion in the relevant committee of the Senate on May 24, 2016); and in the case of Belgium, even though this country has implemented a series of rights and protections for victims in criminal proceedings over the years, it still falls short of the standards set by the Directive, and its entry into force has not been accompanied by new rules, protocols or guidelines to reflect such strengthened protection of vulnerable victims.

Furthermore, many of the Member States in this study have developed specific provisions and protocols to support victims with special protection needs in criminal proceedings. The majority of these regulations, however, focus on minors, sidelining the rest of the vulnerable groups, such as people with intellectual disabilities.

According to the case law and data reported on this subject, most of the analysed Member States agree that it is still too early to have case law resulting from the application of the Directive by courts. EU Member States have only had a short time to adapt their national law to the Directive. Only Italy, England and Wales, and Spain could report some cases about how the new provisions are operating since their entry into force.

However, almost all Member States have initiatives, both public and private, to meet the needs of victims of crime both during and after the criminal proceedings. Thus, organizations and programs such as Project LASTA or Children’s Affairs House (in Finland); Antenne des mineurs, GIP Enfance en danger or the Victim Support Helpdesks (in France); Diritto in rosa, the Italian Bar Association in Defense of Family and Minor Victims or Project On the Road (in Italy); the Crime Victim Compensation Fund, Victim Support Netherlands, or CoMensha Foundation (in the Netherlands), the National Commission for Protection of Children and Youngsters at Risk, the General Directorate for Social Affairs, the Portuguese Association for Victim Support, Project CARE, or Instituto de Apoio à Criança (in Portugal); Victim support, the Criminal Justice Inspectorates, or the Victims’ Commissioner (in England and Wales); and FAPMI, KEEP ME SAFE, or the UAVDI (Care Unit for Victims with Intellectual Disabilities, in Spain); are all good initiatives that help to implement the provisions of the Directive.

Therefore, even with a fairly acceptable level of implementation of the Directive, victim assistance associations are a key element for guaranteeing the rights of all victims. They play an essential role, not only in detecting cases of abuse, but also in initiating interventions, distributing guidance and offering support during criminal proceedings.

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	Law to transpose Directive
BELGIUM	Not a specific one.
FINLAND	GB 66/2015 measures which entered into force in March 2016 GB 293/2014; ended with the Act on Crime Victim Fee which enters into force on December 2016
FRANCE	Law 2015-993 by added a subtitle on victims' rights entered into force on the 17th August/15. Decree 2016-214: procedural regulations in regard to minor victims of sexual crimes and rules to identify specific protection needs for victims. entered into force on February 26/16
GERMANY	Act to strengthen the Rights of the Victims in Criminal Proceeding came into force on the 31st December 2015.
ITALY	Decree 12/2015 entered into force on January 20th 2016
NETHERLANDS	A draft legislation, to implement the Directive is in process.
PORTUGAL	Law No. 130/2015 entered into force on the 4th October 2015.
ENGLAND & WALES	Code of Practice for Victims of Crime, which updates the Law of Domestic Violence and Victims, entered into force on the 16th November 2015.
SPAIN	Law 4/2015 "Crime Victims' Legal Status" entered into force on 28th October 2015.
	Main measures adopted
BELGIUM	No new measures were adopted.
FINLAND	Victims receive a written confirmation of acknowledgment when filling the police report, with basic information. Victims must be provided with a translation of the document to protect its rights, when it requires it. Investigating authorities must inform the victim of its procedural rights. When the suspect is released during the pre-trial investigation the victim must be notified. New rules for : interrogation and conducting personal assessment of victims which allow to determine if a it needs "special protection" Victim with special needs can be heard behind screen, without the presence of a party Victim can ask to be informed when suspect is released (this request is confidential), can access information about the case, if it has special need of protection it can be held without public People whose information has been registered in the criminal records register is not longer allowed to access victim's information.
FRANCE	Measures to guarantee the right to receive information from the first contact with a competent authority were adopted. Including the right to be informed of the protection measures that it's entitle. Right to be assisted by interpreter and to have translation of the essential info to exercise its rights. Individual assessment of the victim, in order to identify specific protection needs, to prevent intimidation and reprisals among others. The police is in charge but also the victims' associations and Victims of Crime Support Office Victims' interview should be carried out in premises designed o adapted for that purpose.
GERMANY	The legislator restructured and rewrote the section to fulfill all the Directive provisions. Now, the victim has the right to receive information from the 1st contact with a competent authority. Measures which guarantee the right to receive written acknowledgment of the victims' presented complaint. It includes the translation and assistance to file the formal complaint in a language that he/she understands. Right to a translator includes examination by the police and public prosecutor. Finally, some measures to guarantee the right to receive information about the time and place of the trial, nature of the charges, of the due to inform if the offender escapes from detention.
ITALY	The Decree lists the information that the victim is entitled to receive. It provides that victims must be informed if the prisoner is released or escapes. If the victim doesn't speak Italian he/she is allowed to: speak its own language; hire a translator free of charge; and receive the essential documents to the exercise of its rights translated into his/her language. Before, only victims of certain offences were entitle to ask for specific protection measures during the hearings, now they apply to victims with specific protection needs in general irrespectively of the offence.
NETHERLANDS	Under the new proposal: Authorities will pay more attention to the victim minors. To that aim, they need to be trained An assessment will be carried in order to determine if the victim can be eligible for special protection measures Government is allowed to adopt governmental decrees to "protect the victims" The Damages Fund for Violent Crimes Act, will cover survivors of deceased victims of road traffic violations and crimes of negligence.
PORTUGAL	The Law transposes the Directive almost literally.
ENGLAND & WALES	The Code contains measures which are given to the victims according to their classification. Victims are classified into: victims of the most serious crimes; persistently target victims; vulnerable victims and intimidated victims
SPAIN	The Law transposes the Directive almost literally.

Weaknesses	
BELGIUM	<p>Not all the victims have a systematic right to receive information. Only victims who have the status of private accusation.</p> <p>Victims who do not speak a national language do not have the right to a translated copy of the complaint or of the relevant procedural acts</p> <p>No tailored and victim oriented information is enforceable</p> <p>The guidelines which explain how the judiciary should relate to victims are very disarticulated.</p>
FRANCE	<p>The extensive provisions are located in different pieces of legislation. This makes it hard to find and implement them.</p> <p>Mainly focus on offences with sexual background, therefore its scope of application is limited.</p>
GERMANY	<p>Due to federalism some matters fall under the competence of federal States such as victims support services which already has a good network overall but in some states the institutions and/or their level it's not very high.</p>
ITALY	<p>The extensive provisions are located in different pieces of legislation. This makes it hard to find and implement them.</p> <p>Some of the justifications set out in the explanatory memorandum of the Italian Government do not seem to validate the rights accorded by the Directive and the spirit of the Directive itself.</p>
NETHERLANDS	<p>Under the new proposal:</p> <p>Protective measures will only be available to victims of certain crimes.</p> <p>Some of the Directive provisions are missing.</p>
PORTUGAL	<p>Even though there is a provision to avoid contact between the victim and the aggressor, it remains too general, it doesn't consider separate waiting areas.</p> <p>Even though most of the Directive provisions have been implemented, regarding article 25 specific rules for training different practitioners are too broad.</p>
ENGLAND & WALES	<p>There are no appeals for victims who the CPS determined are not qualified for special measures.</p> <p>The Code does not state that a special representative should be appointed for the children victims when there is a conflict between the holders of parental responsibility and children.</p> <p>As victims with specific protection needs might find the police intimidating, another party (such as a state psychologist) should be allowed to conduct the assessment instead</p>
SPAIN	<p>The judiciary has no protocol for vulnerable victims.</p> <p>The training that the police and the judiciary will receive to treat victims, specially those who have special needs, has not been specified yet.</p> <p>As in Germany, the Spanish territorial organization in addition to the powers that Autonomous Regions have, makes a high difference in some of the Directive provisions. For instance, when implementing the Victims Attention Offices.</p>
Strengths	
BELGIUM	<p>All victim support services are free of charge and confidential.</p> <p>Children treatment in criminal proceedings is well developed.</p> <p>Anyone can ask to be informed about the sentence execution and in this regard, discuss early release.</p>
FINLAND	<p>All the Directive provisions have been adopted in the national legislation.</p> <p>New rules for interrogation and victims assessment to find out if it has special needs have been implemented.</p> <p>There is a special training for police, doctors and other actors: law professionals, police, university hospitals and media.</p>
FRANCE	<p>France has implemented some measures which go beyond the Directive provisions: i) it is compulsory to record the questioning of a child; ii) the child can be accompanied by a person of his/her choice beside the legal representative if an ad hoc administrator has not been appointed; iii) minors are entitled to consult a lawyer without the need of its parents authorization; iv) a lawyer can be appointed in the first interview. Its role is to provide information, protect the child victim and assist it during the trial; v) special trainings for the police, gendarmerie national, medical practitioners and judicial officers.</p>
GERMANY	<p>In some cases the victim has the right to join as a private accessory prosecutor and in this regard, it can present evidence.</p> <p>The right to psychological support during the criminal proceedings is not required by the Directive, but since it was a pitfall in Germany (since not all the states had it) an Act in this regard will enter into force on January 2017.</p>
ITALY	<p>Italian system relies on an extensive network of institutions that specializes on child victims and gender-based violence throughout the national territory</p> <p>The Incidente Probatorio (request presented by the prosecution or the victim to admit evidence earlier to protect its genuineness) extended to the victim's testimony</p> <p>It is presumed that the victim is a child when its age is unknown. Hence it is compulsory to audio visually record its interview.</p>
PORTUGAL	<p>The new law goes beyond the Directive by establishing access to care facilities if the assessment of the victim showed it has specific protection needs which require them.</p>
ENGLAND & WALES	<p>Even when a victim does not fall into one of the three categories, the service provider may exercise its discretion and provide enhanced entitlement under certain circumstances.</p> <p>It is presumed that the victim is a child when its age is unknown.</p> <p>Certain public sector bodies must provide support and information to the victims.</p> <p>Victims are entitled to make a personal statement and read it in Court if the offender is found guilty.</p>
SPAIN	<p>The Law 4/2015 gathers each of the rights and measures provided in the Directive. It even goes further by contemplating rights which are not in the former. For example it is possible to pre-constitute the victim's declaration even in cases when it is not a child. Or the possibility to appoint a judicial defender in cases when the victim is a minor or a disable person and their interest are in conflict with its legal representative interests.</p> <p>The law states the creation of Victims Attention Offices, such as the tanning of all the personnel who has contact with victims (Security Forces, Judiciary, Lawyers, social and sanitary workers etc)</p> <p>A Regulation has been created to implement the Law. It contemplates the procedure that should be followed in order to assess the victims and determine if they need special measures of protection.</p> <p>Security Bodies and Forces have specific protocols when having contact vulnerable victims</p>

	Support Network
BELGIUM	Justice House: judicial assistant, informs on the procedure and victim's rights, emotional support Local Authorities provide psychological and medical assistance to victims Fund for victims support: created to indemnify victims whose perpetrators are unknown or insolvent.
FINLAND	MARAC (Multi Agency Risk Assessment Conference): helps victims of domestic violence LASTA: seeks for nationwide collaboration for the police, prosecutors, child welfare and psychiatric healthcare (from 2017) Children's Affairs House: calls the officials investigating act as a single expert group, in order to simplify, not re victimizes the victim and give it all what it needs.
FRANCE	Paris Bar Association: established a children's office to provide free and confidential legal advice. GIP: group for the children protection in France ONED (National Observatory for Children in Danger) prevents and identifies abandonment and abused children. SANTED: help line for children at risk Victims Support Helpdesks: located in French Justice Palace and managed by victims' associations in charged to inform, guide and accompany.
GERMANY	Germany already has a good network of victim support services (e.g., Weisser Ring e.V.) ¹ . Statistics show that there are at least 1.360 different institutions that deliver victim support services in the country ² .
ITALY	Association Diritto in Rosa: information point that provides legal and psychological assistance for women and minors. Focuses on gender-based violence victims, physical and psychological violence and sexual offences. Italian Bar Association in Defense of Family and Minor Victims: lawyers specialized in family law. Its main aim is to influence legislation but it also carries educational duties consisting of reaching and promoting children's rights. ONLUS (Project on the Road): financed by the Directorate General Home Affairs of the European Commission it seeks to better understand the identifications of minors, who risk of being victims of human trafficking and to enhance the capacity of vulnerable children whether there is a risk.
NETHERLANDS	Victim support Netherlands: practical, emotional and legal support and assistance. It seeks for the improvement of the victims' rights as well as the development of knowledge in this field. CoMensha Foundation: reception and assistance of human trafficking victims. Support Points for Domestic Violence: funded under the Daphne Funding Program of the European Commission provides a national support point for domestic violence victims and training municipalities, police and public prosecutors Byway Foundation: group of experts which assist women and children victims of domestic violence or stalked by ex-partners. Legal Assistance Counter: provides legal aid for those who seek it.
PORTUGAL	National Commission for Protection of the Children and Youngest at Risk: supervises and coordinates organizations specialized in assisting children and youngest at risk and constructs safe houses to protect them. It also promotes the rights for children at risk. General Directorate for Social Affairs: provides counseling to children participating in criminal proceedings and assist and protect children victims of crime. APAV (Portuguese Association for Victims Support): inform, protect and support victims of the crime. Project CARE: network specialized to support children and youngsters victims of sexual violence IAC (Instituto de Apoio a Crianca): defense and promote children's rights.
ENGLAND & WALES	Victim Support: helps victims claim enhanced entitlement Criminal Justice Inspectorates: it is an Observatory which seeks for the guarantee of victim's right during the criminal proceedings. Victims Commissioner: thei published in January and November 2015 reports reviewing the services that criminal justice agencies provide under the previous edition of the Code of Practice.
SPAIN	The State has offices which assist victims of violent crimes and sex offences. These offices can also be found in the Autonomous Regions with judiciary powers. There are also private entities for victims support in a regional level, such as CAVAS, FAVIDE o AMUVI. FAPMI (Federation of Associations for the Prevention of Child Mistreatment in Spain): focuses on prevention, detection, attention and intervention of children victims of mistreatment or sexual abuse and their families and context. CIASI (Specialized Center for Child Abuse Intervention) in Madrid. REVELAS-M for minor victims in Castilla La Mancha region. KEEP ME SAFE: prevention of sexual abuse and violence against young people with learning disabilities UADVI (Care Unit for Victims with Intellectual Disabilities): Carmen Pardo-Valcarce Foundation accompanies and supports victims and witnesses with intellectual disabilities throughout the criminal process.

¹ Cf. Müller-Piepenkötter, Die EU-Opferschutz-Richtlinie 2012/29/EU – Handlungsbedarf bei Unterstützungsdiensten in Deutschland, NK Neue Kriminalpolitik, Jahrgang 28 (2016), Heft 1, p. 9-14.

² Cf. Müller-Piepenkötter, Die EU-Opferschutz-Richtlinie 2012/29/EU – Handlungsbedarf bei Unterstützungsdiensten in Deutschland, NK Neue Kriminalpolitik, Jahrgang 28 (2016), Heft 1, p. 9-14.



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