



EU HANDBOOK

ON VICTIMS OF TERRORISM

The EU Centre of Expertise for Victims of Terrorism (EUCVT) is set up and run by the European Commission. The tasks of the EU Centre are executed by a consortium led by Victim Support Europe and include ARQ National Psychotrauma Centre, Association française des Victimes du Terrorisme and Fondation Lenal.

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INTRODUCTION

In recent times, the threat of terrorism has hung over the European Union and the rest of the world. The occurrence, on an almost regular basis, of terrorist attacks – whether by suicide bomber or other means – has shaken society to the core, especially as EU citizens are often caught up in such events outside their home borders and even EU borders. The recovery of victims of terrorist attacks can be impacted by the way in which governments, organisations, and individuals respond to the immediate attack and by how victims are supported afterwards.

The Victims' Rights Directive, alongside provisions in the Counter-Terrorism Directive (Chapter V) and the Directive on Compensation, support a general framework of rights for victims of terrorism. The Counter-Terrorism Directive goes beyond the Victims' Rights Directive to establish services supporting the specific needs of victims of terrorism. EU Member States are bound by these instruments, have the obligation to transpose them into national legislation and ensure that they are applied in practice. In doing so, each Member State must evaluate how to implement these provisions to ensure measures are appropriate to the specific situation/national circumstances.

This Handbook aims to assist in the practical implementation of existing EU legislation, based on lessons learned from responses to previous terrorist attacks.

Target group and content

Policy makers and support service managers working in governments, NGOs, first responder organisations and second-line support providers at the national, regional and local level are the target audience of this handbook.

Structure of the handbook

Chapter 1 of the Handbook focuses on the rights of victims of terrorism. It starts with an introduction on the scope of victims' rights under EU rules, then defines victims' needs related to those rights, and ends with additional information, which includes good practices on how specific rights can be successfully implemented and applied in line with the specific needs of victims of terrorism.

The second Chapter of the Handbook considers two particular groups: cross-border victims and children.

Chapter three focuses on the practical aspects of organising support for victims after a terrorist attack.

Finally, chapter four describes the activities of the EU Centre of Expertise for Victims of Terrorism along with its contact details.

The Handbook is accompanied by a separate Annex, which focuses on the circles of impact following a terrorist attack, on psychosocial and psychological support, on recognition and on remembrance. While these topics are not directly related to the rights of victims of terrorism, as per the three aforementioned Directives, recent attacks have highlighted the increasing scope of issues to be addressed after an attack (and, preferably, already in the preparation phase).

Further reading:



- **On rights:**
 - Victims' Rights Directive
 - Directive on combating terrorism
 - Directive on compensation to crime victims
- **On needs:**
 - Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- **On psychosocial support:**
 - Vicente Colomina, Aída de (2019) Victims of Terrorism Quality Assistance Guide
- **On legal support:**
 - Victim Support Europe, APAV (2019) VOCIARE Synthesis Report
- **On organisations of victims of terrorism:**
 - RAN (2017) The power of victims of terrorism: how to give support
- **On the recognition of victims and useful figures:**
 - MEP Maité Pagazaurtundúa (2019) le livre blanc et noir du terrorisme en Europe

TERRORIST ATTACKS

Terrorism evolves constantly as perpetrators, methods and targets are changing. The characteristics of an attack will influence the scale of the response and the impact of the attack on its victims and associated local, regional, national or international communities.

Key characteristics

Influential key characteristics include:

- scale (a single victim or large numbers of victims)
- location (open or closed environment; one or more points of attack)
- timing (within hours or on consecutive days, during the day/night/rush hour)
- weapons used
- target groups
- degree to which the terrorists are organised

Regardless of the attack characteristics, thorough preparation is required to ensure the crisis is managed in line with the EU rules on victims' rights.

Scale

The scale of the attack (the number of those killed or wounded) varies from event to event. In the Halle attack in 2019, 2 people were killed and 2 people were seriously injured; in Barcelona in 2017 there were 15 deaths and 131 injuries; and in Paris in 2015, 130 were killed and 368 were wounded. The greater the number of victims, the more resources are required during both the emergency response phase (e.g. hospital beds) and in the longer term (e.g. in criminal proceedings, professional mental health services, information and support providers). The larger an attack, the greater the media attention will be on the victims, their families and society.

Location

In the recent past, attacks have tended to concentrate on a single localised area. However, during the Paris attack in November 2015, six separate attacks took place in different locations within a short period of time. The multiple sites, in both enclosed and open venues, and numbers of victims created a chaotic environment: identification of victims and securing individual locations required complex management of the various services involved.

Timing

In the case of multiple, related, terrorist attacks, the timing of any consecutive attack(s) has usually been within hours of the first. Yet, the attacks in Barcelona, on 17 August 2017, were followed by an attack in Cambrils, about 100 kilometres to the south, the next day. In Asia and the Middle East, follow-up attacks have been timed to hit the first responders and helpers.

Weapons

Bombs are not the only weapon used by terrorists: trucks are driven through crowds; airplanes are taken down by missiles; suicide vests, knives, firearms, chemical, biological, radiological or nuclear (CBRN) agents etc. are used. Each weapon impacts its victims differently and will require a different response: for example, the truck attack in Nice initiated a new approach in defining victims eligible for compensation and the French government delineated zones around the attack location to help establish victim lists.

Target groups and organisation

Various ideologies motivate terrorists to carry out attacks: e.g. antisemitism (Halle, Germany in 2019), jihadism (London, UK in 2019), right-wing extremism (Hanau, Germany in 2020), etc. Europol's annual Terrorism Situation and Trend (TE-SAT) Report lists jihadist, ethno-nationalist and separatist, left-wing and anarchist, right-wing and single-issue terrorist groups, in addition to a new grouping of attacks committed by informal organisations or lone wolves.

Cyberterrorism

The internet can be used for terrorist purposes too: by threatening individuals, organisations or governments with violence that may result in bodily harm or loss of life, or by large-scale disruption of computer networks. These forms of terrorism are not explicitly addressed in this handbook. However, preparation for such attacks, and support of their victims, are similar to 'offline' terrorist attacks.

Further reading:

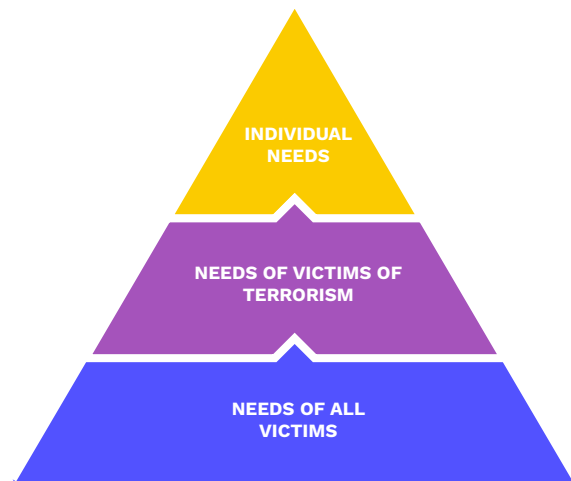
- Europol (2020) TE-SAT Report
- Institute for Economics and Peace (2019) Global terrorism index



VICTIMS' NEEDS

As specified by Recital 27¹ of the Counter-terrorism Directive, Member States should adopt measures of protection, support and assistance in responding to the specific needs of victims of terrorism, in accordance with the Victims' Rights Directive and as specified by the Counter-terrorism Directive.

Recital 16 of the Victims' Rights Directive specifically addresses the needs of victims of terrorism, who have suffered injuries – whether physical or psychological – from attacks that were intended to harm society. They may need special consideration, support and protection due to the nature of the crime committed against them. Member States should pay attention to the needs of victims of terrorism, and should seek to protect their dignity and security.



Layers of needs

To understand the needs of victims of terrorism, it is important to comprehend that there are different layers of needs. The first layer consists of the needs of all victims of crime. The second layer consists of specific needs due to the nature of the terrorist attack. The third layer of needs depend on personal and environmental factors of the individual victim.

Emergency support of victims' needs immediately following a terrorist attack is critically important: survivors need to be safe and secure, receive emergency medical – and psychological – aid, food and drink.

¹ Under EU law, Recitals provide background information and reasoning for the inclusion of particular Articles in legislative acts.

Non-urgent needs of all victims of crime are divided into five major categories:



Needs of victims of terrorism

Once emergency care has been given to victims of terrorism, their specific needs, as related to the above five categories, can be evaluated. These needs may differ from, or be more intense compared to, victims of other intentional crimes:

- Recognition and respect: as victim of terrorism.
- Support: medical care, specialised psychological-trauma care, information, practical assistance, legal assistance, communication (media) support, peer support, etc.
- Protection: physical protection, protection from secondary victimisation.
- Access to justice: safe participation in the criminal justice process.
- Compensation and restoration: financial compensation and help with the financial impact of a terrorist attack. Restoration includes overall recovery and restorative justice processes.

Individual needs

Individual victims' needs will depend on personal characteristics (previous victimisation or stressful life events); (mental) health; social network; socio-economic situation; cross border situation; and daily stressors. These needs will evolve over time, therefore, responding to the needs of victims of terrorism requires an individualised victim-centred approach.

Further reading:



- Dolci, L. (2018) A Victimless Crime? A Narrative on Victims of Terrorism to build a case for support
- INVICTM (2018) Symposium Report: Supporting Victims of Terrorism
- RAN (2018) Enhancing the resilience of victims after terrorist attacks

1. THE RIGHTS OF VICTIMS OF TERRORISM

1.1 VICTIM OF TERRORISM – DEFINITION AND IMPACT

Directive 2012/29/EU establishes minimum standards on the rights, support and protection of victims of crime. It is commonly referred to as the Victims' Rights Directive. The Directive describes the rights of victims and their immediate family members to information, support, protection and procedural rights in criminal proceedings. The Victims' Rights Directive deals with all victims of all crime, but it pays special attention to the most vulnerable victims, including victims of terrorism. The Victims' Rights Directive is complemented by Directive (EU) 2017/541 on Combating Terrorism (commonly referred to as the Counter-terrorism Directive).

DEFINITIONS UNDER EU LAW

Victim of terrorism

Recital 27 of the Counter-terrorism Directive provides a definition of victims of terrorism that is in line with that offered by the Victims' Rights Directive.

Article 2 of the Victims' Rights Directive defines a victim of terrorism as:

- a natural person who has suffered harm, including physical, mental or emotional harm or economic loss, insofar as that was directly caused by a terrorist offence, or
- a family member of a person whose death was directly caused by a terrorist offence and who has suffered harm as a result of that person's death.

Family members of surviving victims of terrorism, as defined in Article 2, have the right to access victim support services and protection measures in accordance with the Victims' Rights Directive.

Note: the use of the word 'victim' is not always appreciated by those who survived or were otherwise affected by terror attacks, they may not identify themselves as victims despite severe trauma, but may see themselves as 'survivors', which indeed they are. However, for practical reasons, this handbook will identify those involved by the word 'victim'.

Terrorist offence

Article 3.2 of the Counter-terrorism Directive defines terrorist offences as intentional acts which, given their nature or context, may seriously damage a country or an international organisation, where committed with the aim of (a) seriously intimidating a population or (b) unduly compelling a government or an international organisation to perform or abstain from performing any act or (c) seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation.

Among these intentional acts are (Article 3.1):

- attacks upon a person's life, which may cause death, or upon the physical integrity of a person;
- kidnapping or hostage-taking;
- causing extensive destruction to a government or public facility, a transport system, an infrastructure facility, a public place or private property likely to endanger human life or result in major economic loss;
- seizure of aircraft, ships or other means of public or goods transport;
- manufacture, possession, acquisition, transport, supply or use of explosives or weapons, including chemical, biological, radiological or nuclear weapons;
- release of dangerous substances,

or causing fires, floods or explosions, the effect of which is to endanger human life;

- interfering with or disrupting the supply of water, power or any other fundamental natural resource, the effect of which is to endanger human life;
- illegal system interference that affects a significant number of information systems or causes serious damage; illegal system or data interference committed against a critical infrastructure information system (Directive 2013/40/EU on attacks against information systems).

Or threatening to commit any of the acts listed above.

IMPACT OF TERRORIST ATTACKS ON VICTIMS

All victims of all violent crimes face physical, mental health, and financial consequences; however, the impact on those present at a terrorist attack means the violence of their experience is different from that of their peers.

Physical consequences

Terrorists intend for their attacks to cause many casualties, as indicated by the weapons they use (firearms, explosives). Hence, the fatality rate in a terrorist attack is relatively high and injuries tend to be severe.

Mental health consequences

Victims experience fear and anxiety after a terrorist attack at levels that may not incur psychological problems, but that may have behavioural, relational and financial consequences. Post-traumatic stress is often diagnosed in victims following a terrorist attack. Victims may re-experience the event, have repeated and unwanted intrusive thoughts, hyper arousal, emotional numbing and/or avoidance of stimuli reminding them of the traumatic experience.

Financial consequences

Victims of terrorism may incur severe injuries, that are linked with a (higher) probability of developing a psychological disorder. This implies that the costs related to victimisation will be higher (for the victims, their property, their insurers and/or the government).

Future events

While the risk of involvement in another terrorist attack is relatively small, the perception of this risk may be high. Consequently, victims may experience feelings of insecurity, especially if they suffer from a Post-Traumatic Stress Disorder (PTSD). Perceived risk and the presence of PTSD contribute to psychological damage caused by terrorism.

Risk groups

Previous physical or psychological trauma, existing mental disorders, lack of social support and low socio-economic status may lead to a greater psychological impact on victims. Children and minority groups have a higher risk of developing psychological problems. Children are at risk when they are too young to be able to express their symptoms verbally or when the ability of parents to support them is diminished. Minority groups have a higher risk when their health literacy is low or if they have experienced similar trauma in the past.

Loss and grief

The sudden loss and violent death of a loved one in a terrorist attack may lead to complicated psychological reactions in family members, which may be further aggravated by the specifics of a terrorist attack: e.g. having to identify a severely damaged body.

Further reading:



- Letschert, R.M., Staiger, I., Pemberton, A. (2010) Assisting victims of terrorism: towards a European standard of justice
- Damiani, C., Victime et traumatisme, in Tigrane Tovmassian, L., & Bentata, H. (2013) Le traumatisme dans tous ses éclats, p. 61-70

1.2 VICTIMS' RIGHTS TO ACCESS INFORMATION

THE RIGHTS DESCRIBED

The Victims' Rights Directive provides victims with the right to receive information from the first contact with a competent authority (Article 4). This refers to information about: available support; protection, including protection measures; legal advice, legal aid and all other types of advice; compensation; interpretation and translation; how to contact those dealing with, and communicating about, their case.

Article 3 of the same Directive supports victims with the right to understand and to be understood. Member States must ensure that any communication with victims is made in a simple and accessible language whether orally, in writing, or in another appropriate form. Such communication should allow for the personal characteristics of the victims, including any disability or specific language needs.

Article 24.3(b) of the Counter-terrorism Directive mentions that any support offered to victims should include the provision of advice and information on relevant legal, practical or financial matters. This includes exercising the right to information of victims of terrorism who are residents of a Member State other than that where the terrorist offence was committed (Article 26).

Member States should ensure a comprehensive response to the specific needs of victims of terrorism (Recital 29 of the Counter-terrorism Directive). Member States may set up a single (continuously updated) website, providing all relevant information, and an emergency support centre for victims and their family members, providing psychological first aid and emotional support.

Article 6 of the Victims' Rights Directive gives victims the right to receive information on:

- decisions not to proceed with, or to end, an investigation, or not to prosecute the offender (6.1.a);
- final trial judgments (6.2.a).

Information of the above should include reasons, or a brief summary of reasons, for the decision, except in the case of a jury decision, or if the reasons are confidential.

- the time and place of the trial, and the nature of the charges against the offender (6.1.b);
- how to stay updated on the state of the criminal proceedings (6.2.b).

Competent authorities are bound by the wish of victims to receive information, or not, unless that information must be provided due to the victim's entitlement to actively participate in the criminal proceedings. Member States shall allow victims to modify their wishes at any time and such modifications will be taken into account (6.4)

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



Examples of practical application/additional information

In practice, it is essential that information is made available to victims of terrorism at all times. Information reassures victims, helps them understand and make decisions, and aids their recovery. The provision of adequate, timely information about the terrorist attack and its consequences is important to victims and their family members.

State authorities play a crucial role in providing accurate information after an attack. Government information is more effective when it is co-ordinated with civil society actors, media companies, social media, etc.

Information can be divided into:

- rights and services, actions and expectations – as required by EU rules;
- factual and topical information regarding the attack, the current situation, and the condition of loved ones;
- dealing with the attack (involving reassurance and psycho-education on normal reactions and practical suggestions to encourage healthy behaviour).

Article 3 of the Victims' Rights Directive requires that information must be easy to comprehend. To readily apply this requirement, information should be available in multiple formats. The choice of information distribution medium should be made with care, especially with regard to potentially vulnerable groups, such as the elderly and children.

Trusted sources

Information should be clear and reliable, and provided by trusted sources. The Counter-terrorism Directive recommends, in Recital 29, that national authorities set up a website, which can be complemented by helplines, official twitter accounts (police, mayor, city etc). Medium- to long-term information will cover multiple topics ranging from legal issues to practical advice on moving forward. Information on rights and services will often need to be repeated and available in different formats as victims' needs and responsiveness to information change with time. Information for victims can also be shared through specifically designated channels: residents' meetings, closed meetings for survivor groups, mailings, brochures, websites or closed forums.

Information centres

It is recommended that victims of terrorism are provided with a centralised, single contact point that coordinates the work of all those involved in the support and protection of victims. Additionally, a dedicated website, providing all relevant information, can act as – or be supported by – a one-stop-shop, a centre where a range of services (e.g., psychosocial, legal, medical and financial) is provided in the immediate aftermath of an attack. In France and Spain such websites are available permanently, while Belgium has a website for citizens that are victims of a terrorist attack abroad.

Soon after a large scale terrorist attack, family members may gather near the incident site, or other similar locations, seeking information of loved ones, who may have been involved. Family & Friends Reception Centres and call centres,

designed to collect and provide information and established directly after a terrorist attack, have been very effective in aiding those waiting to hear news.

In France, the Inter-Ministerial Delegation for Victim Support (DIAV) has developed an online one-stop-shop for all information required by victims of terrorism, specifically on actions to take in the aftermath of a terrorist attack. Victims are encouraged to complete an online form with their personal information and supporting documentation, which will facilitate their application for compensation and reimbursement of costs. This information has been translated into English and Spanish for foreigners involved in terrorist attacks in France. The DIAV intends to launch an online information guide for French citizens that become victims of a terrorist attack abroad.

In Spain, victims of terrorism receive information and assistance via the Directorate General for Support of Victims of Terrorism of the Ministry of Interior. This administrative department, which acts as a one-stop shop of services, focuses exclusively on victims of terrorism and provides personalised, comprehensive help to the victims and their families in the area of compensation and other relevant aid. In addition, the National High Court for Information and Support to Victims of Terrorism under the Ministry of Justice, gives advice to victims on the status of criminal proceedings and offers

them assistance during the trial (including emotional and therapeutic support if needed).

In Germany, in the event of a terrorist attack, a specialised “dark site” webpage is displayed on the website of the Federal Government Commissioner with information relevant to victims of a particular attack. This specialised webpage is currently only available in German, but will also be available in English in the future.

Further reading:



- Délégation Interministérielle à l'Aide aux Victimes (2020) Rapport d'activité 2018-2019
- 🌐 Vous êtes victime de terrorisme
- 🌐 Help after a terrorist attack (available in 9 languages)
- 🌐 Germany: online location of «dark site» webpage
- 🌐 Víctimas de terrorismo
- 🌐 The National High Court's Office for Information and Support to Victims of Terrorism in Spain - Ministry of Justice
- 🌐 Guide pour les victimes belges d'une attaque terroriste à l'étranger (NL/FR)
- 🌐 E-justice portal: the rights of victims of crime in criminal proceedings - Spain

1.3 VICTIMS' RIGHTS TO ACCESS SUPPORT SERVICES

The rights described

Article 8 of the Victims' Rights Directive describes the right to access victim support services. Article 8.1 requires Member States to ensure that victims, in accordance with their needs, have access to confidential victim support services. These services should be free of charge, acting in the interests of the victims before, during and for an appropriate time after criminal proceedings. Family members should also have access to victim support services, in accordance with their needs and the degree of harm suffered as a result of the criminal offence committed against the victim. Article 8.3 specifies that this right also applies to specialist support services. Generic and specialist victim support services may be set up as public or non-governmental organisations and may be organised on a professional or voluntary basis (Article 8.4).

Member States should facilitate the referral of victims, by the competent authority that received the complaint and by other relevant entities, to victim support services (Article 8.2).

Article 9.1 of the Victims' Rights Directive states that support services should, as a minimum, provide:

- a. information, advice and support relevant to the rights of victims, including on accessing national compensation schemes for criminal injuries and on their role in criminal proceedings including preparation for attendance at the trial;
- b. information about, or direct referral to, relevant specialist support services;
- c. emotional and, where available, psychological support;
- d. advice relating to financial and practical issues arising from the crime;
- e. unless otherwise provided by other public or private services, advice relating to the risk and prevention of secondary and

repeat victimisation, of intimidation and of retaliation.

In addition to the provisions of the Victims' Rights Directive, the Counter-terrorism Directive responds more directly to the specific needs of victims of terrorism. According to Article 24 of the Counter-terrorism Directive, support services, addressing specific needs of victims of terrorism, should be set up as per the Victims' Rights Directive and be accessible immediately after a terrorist attack and for as long as necessary. Such services should be provided in addition to, or as an integrated part of, general victim support services, which may call on existing entities providing specialist support (Article 24.2).

The support services have the ability to provide assistance and support to victims of terrorism according to their specific needs. The services are confidential, free of charge and easily accessible to all victims of terrorism. They should include (Article 24.3):

- a. emotional and psychological support, such as trauma support and counselling;
- b. provision of advice and information on any relevant legal, practical or financial matters, including exercising the right to information of victims of terrorism;
- c. assistance regarding compensation claims for victims of terrorism, available under the national law of the Member State concerned.

Recital 29 of the Counter-terrorism Directive explains that support services should consider that specific needs of victims of terrorism may evolve over time. In that regard, the Member States should ensure that support services address, in the first place at least, the emotional and psychological needs of the most vulnerable victims of terrorism, and inform all victims of terrorism about the availability of further emotional and psychological support including trauma support and counselling.

Furthermore, Article 24 of the Counter-terrorism Directive requires Member States to ensure that:

- mechanisms or protocols are in place allowing for the activation of support services for victims of terrorism within the framework of their national emergency-response infrastructures (24.4);
- adequate medical treatment is provided to victims of terrorism immediately after a terrorist attack, and for as long as necessary (24.5);
- victims of terrorism have access to legal aid in accordance with Article 13 of the Victims' Rights Directive, where they have the status of parties to criminal proceedings (24.6);
- the severity and the circumstances of the criminal offence are reflected in the conditions and procedural rules under which victims of terrorism have access to legal aid in accordance with national law (24.6).

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF PRACTICAL APPLICATION/ADDITIONAL INFORMATION

Changes over time

As each victim will undergo a different recovery process, victims' needs change over time and the assistance and support provided has to be adapted to meet these changes.

Victims, especially if they have to deal with serious (mental) health problems after a terrorist attack, will face difficulties in absorbing information. Information on (organisations that provide) assistance and support will be more effective when it is provided on different occasions. Ideally, those offering help will be proactive: reaching out to victims on a regular basis, finding ways and opportunities to connect with them. Victims need information on available services, but should not be coerced into using them.

Demand and supply

Matching supply with demand can be a challenge: a Member State could be faced with immediate and significant support demands, which require the ability to find and implement services rapidly. Planning and establishing an emergency infrastructure will allow for coordination with existing support providers in case of an attack.

Accessibility of support

Guaranteeing that victims can access support may be a challenge. Victims may be unaware of the services available, may not read/hear the messages delivered, may not (yet) be aware that they need help, or may not be close to appropriate services.

Support services must be easily accessible. Access issues include the availability of services (opening hours and/or geographical coverage), language (for victims from minority communities, other countries or those with low literacy skills) and accessibility for persons with disabilities, as defined by Article 9 of the UN Convention on the Rights of Persons with Disabilities (to which the EU and all Member States are parties). Victims should be able to use different support methods (e.g. face-to-face, online, helplines) to overcome potential barriers.

Reducing complexity

A terrorist attack leaves victims in an environment that is chaotic and filled with questions, victims

are unable to cope with even basic daily activities. At this time, they are approached by multiple organisations and expected to handle numerous administrative formalities. To minimise their burdens and help victims cope with complex issues, it is important to strategically organise available assistance.

Victim navigators

The assignment of a 'victim navigator' can help reduce the chaos for victims. The navigator will work on behalf of the victim to contact, and answer questions posed by, organisations looking to provide support. Working with a single navigator helps to build trust, reduces the need for victims to repeat their stories, and reduces secondary victimisation risks.

A victim navigator can manage communication between victims and authorities, helping to bridge information gaps, including telling survivors of their rights and options, and helping them to access support. Victim navigators can be particularly helpful with hard to reach communities or those who find technology challenging, such as the elderly and the very young, or those with difficulties in communicating feelings. Victim navigators support those with visual, physical or mental disabilities to gain access to services.

Victim assistance centres

It is beneficial to set up a victim assistance centre after large-scale terrorist attacks: a one-stop-shop, where victims can go to get information and support.

In France, the Cellule Interministérielle d'Information du Public et d'Aide aux victimes (C2IPAV or infopublic) is activated in the immediate response phase, if an attack has affected a large number of people. Infopublic offers support to victims and their family members immediately after a terrorist attack. Infopublic cooperates closely with local authorities and local victim support organisations to set up a family reception centre where victims and family members are registered and receive information and help from social workers, lawyers and trauma psychologists as needed. In the longer term, an office located within the French Ministry of Justice, Bureau d'aide aux victimes (BAVPA or Victim Support Office), will take over the coordination of support to victims.

Central contact point within government

In Germany, the Federal Government Commissioner for the Victims and Bereaved of terrorist offences committed on National Territory acts as a central contact point for all those affected by a terrorist attack. This includes the families of the bereaved, those hurt by the attack (physically or psychologically) and eyewitnesses.

The Federal Government Commissioner contacts victims proactively after an attack to offer support. He or she directs the victims to means of financial, psychological and practical support and finds solutions tailored to the individual victims' needs. The Federal Government Commissioner is not only available after a terrorist attack but in also in the medium and long-term. He or she may – for example – offer support in criminal proceedings or may direct the victims to the appropriate financial or psychological help mechanisms.

Further reading:



- Juen, B. et. al (2016) The comprehensive guideline on mental health and psychosocial support (MHPSS) in disaster settings
- VSE (2018) Behind the Scenes: Family Reception Centre set up for the Victims of the Strasbourg Christmas Market Shooting

1.4 VICTIMS' RIGHTS TO ACCESS JUSTICE – PROCEDURAL RIGHTS

THE RIGHTS DESCRIBED

Under the Victims' Rights Directive, victims of terrorism can rely on a set of procedural rights ensuring that every victim has access to justice. These rights include: the right to be heard (Article 10), the right to access to legal aid (13), the right to reimbursement of expenses (Article 14), the right to a decision on compensation from the offender (Article 16), and the rights of victims resident in another Member State (Article 17).

Member States should ensure that victims will be heard and may provide evidence during criminal proceedings. The judicial rules under which victims may be heard and may provide evidence are determined by national law (Article 10 of the Victims' Rights Directive).

Member States should ensure that victims have access to legal aid, where they have the status of parties to criminal proceedings. The conditions or rules under which victims have access to legal aid are determined by national law (Article 13 of the Victims' Rights Directive).

This right is specified in Article 24.6 of the Counter-terrorism Directive which states that the severity and the circumstances of the criminal offence are reflected in the conditions

and procedural rules under which victims of terrorism have access to legal aid in accordance with national law.

Member States should offer victims, who participate in criminal proceedings, reimbursement of expenses incurred as a result of their active participation, consistent with their role in the relevant criminal justice system. The conditions or procedural rules for reimbursement are determined by national law (Article 14 of the Victims' Rights Directive).

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF PRACTICAL APPLICATION/ADDITIONAL INFORMATION

Large scale attacks

Criminal proceedings and trials for large scale attacks are complex. Large numbers of victims and witnesses are involved, and all should equally have the right to take part. States may need to establish special measures to facilitate participation, which may include holding proceedings in a larger location to accommodate those involved.

Public inquiries

Victims of terrorist attacks, as other victims, express a need for truth. They want to know what happened, how it happened, who was involved and why. If formal criminal procedures cannot be instigated, victims are often left without answers; however, a public inquiry may serve as an alternative means of answering the questions of victims and society as a whole. After the 2016 Brussels terrorist attacks, a parliamentary inquiry was launched to investigate the circumstances leading up to the attack, the response to the attack, and the evolution of radicalisation with the aim of developing recommendations from the lessons learned.

In Germany, the Federal Government Commissioner can act as an intermediary between the victims and those responsible for the criminal investigation in the aftermath of the attack. Even where the investigation is still ongoing, the Commissioner can for example set up a meeting between these two parties. During such meeting, victims are enabled to pose their questions directly to those leading the investigation.

Further reading:



- UNODC (2015) Good Practices in Supporting Victims of Terrorism within the Criminal Justice Framework
- De Graaf et al. (2013) The Anders Behring Breivik Trial: Performing Justice, Defending Democracy
- BE Inquiry Committee March 2016 Terrorist Attacks (EN/NL/FR)
- Beck, K. (2017) Abschlussbericht des Bundesbeauftragten für die Opfer und Hinterbliebenen des Terroranschlags auf dem Breitscheidplatz
- e-justice portal – rights of victims of crime in criminal proceedings

1.5 VICTIMS' RIGHTS TO PROTECTION

THE RIGHTS DESCRIBED

Member States shall ensure that measures are available to protect victims of terrorism and their family members, in accordance with the Victims' Rights Directive. When determining whether, and to what extent, they should benefit from protection measures throughout the course of criminal proceedings, particular attention shall be paid to the risk of intimidation and retaliation and to the need to protect the dignity and physical integrity of victims of terrorism, including during questioning and when testifying (Article 25 of the Counter-terrorism Directive).

Article 18 of the Victims' Rights Directive describes the right to protection in more detail: Member States shall ensure that measures are available to protect victims and their family members from:

- secondary and repeat victimisation;
- intimidation and from retaliation;
- the risk of emotional or psychological harm;

and to protect the dignity of victims during questioning and when testifying.

Furthermore, Member States shall ensure that competent authorities may take appropriate measures during the criminal proceedings to protect the privacy, including personal characteristics and images, of the victim and of their family members (Article 21 of the Victims' Rights Directive).

Article 19.1 of this Directive requires Member States to establish the necessary conditions to enable avoidance of contact between victims and their family members, where necessary, and the offender within premises where criminal proceedings are conducted (unless the criminal proceedings require such contact).

The right to protection of victims during criminal investigations is specified in Article 20 of the

Victims' Rights Directive. Member States shall ensure that during criminal investigations:

- a. interviews of victims are conducted without unjustified delay;
- b. the number of interviews of victims is kept to a minimum and interviews are carried out only where strictly necessary for the purposes of the criminal investigation;
- c. victims may be accompanied by their legal representative and a person of their choice, unless a reasoned decision has been made to the contrary;
- d. medical examinations are kept to a minimum and are carried out only where strictly necessary for the purposes of the criminal proceedings.

Specific protection needs should be identified by an individual assessment of victims (Article 22 of the Victims' Rights Directive). It should be a timely and individual assessment to determine whether and to what extent the victim would benefit from special measures in the course of criminal proceedings, as provided for under Articles 23 and 24 of the Directive, due to their particular vulnerability to secondary and repeat victimisation, to intimidation and to retaliation.

This individual assessment shall take into account (Article 22.2):

- a. the personal characteristics of the victim;
- b. the type or nature of the crime; and
- c. the circumstances of the crime.

In the context of the individual assessment, particular attention shall be paid to victims of terrorism (Article 22.3).

The following measures shall be available for victims with specific protection needs during criminal investigations (23.2):

- a. interviews with the victim being carried out in premises designed or adapted for that purpose;

- b. interviews with the victim being carried out by or through professionals trained for that purpose;
- c. all interviews with the victim being conducted by the same persons unless this is contrary to the good administration of justice.

The following measures shall be available for victims with specific protection needs during court proceedings (23.3):

- a. measures to avoid visual contact between victims and offenders including during the giving of evidence, by appropriate means including the use of communication technology;
- b. measures to ensure that the victim may be heard in the courtroom without being present, in particular through the use of appropriate communication technology;
- c. measures to avoid unnecessary questioning concerning the victim’s private life not related to the criminal offence; and
- d. measures allowing a hearing to take place without the presence of the public.

Protection from secondary victimisation and the protection of the privacy of victims of terrorism are described in more detail in 1.6 and 1.7. Protection of child victims is addressed in 2.2.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



1.6 VICTIMS' RIGHTS TO PROTECTION: SECONDARY VICTIMISATION

THE RIGHTS DESCRIBED

A number of Articles in the Victims' Rights Directive address secondary victimisation.

Help from victim support services should include (unless otherwise provided by other public or private services) advice relating to the risk and prevention of secondary victimisation (Article 9.1e). Without prejudice to the rights of the defence, Member States must ensure that measures are available to protect victims and their family members from secondary victimisation (Article 18). The individual assessment of victims as described in Article 22 should be used to identify (among other things) if they would benefit from special measures in the course of criminal proceedings, due to their particular vulnerability to secondary victimisation.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



Examples of practical application/additional information

Terrorist attacks result in deaths, physical and psychological injuries or material damages that affect those involved. This is called primary victimisation: the direct consequences of the violent act. If, in the aftermath of an attack, victims receive poor or inadequate assistance from the staff and institutions in charge of their care (public authorities, first-responders, state security forces, social workers, lawyers), their suffering can be aggravated. This is known as secondary victimisation, re-victimisation or double victimisation.

Causes

The effect of an attack on victims can be magnified in many ways:

- repetition of statements in police interrogations;
- lack of information;
- government, police or hospital staff engrossed solely in the immediate events without attending to the shock suffered by the victims;
- experts questioning the credibility or mental health of victims;
- delay in judicial procedures, confrontation with terrorists in the court room, having to recount publicly and in detail their traumatic experience;
- media exposure;
- lack of support from people at the workplace, school, university.

Individuals, procedures, infrastructures

Secondary victimisation can occur from the way individuals behave or treat victims, or from the procedures and infrastructures that victims interact with. Support systems can prevent and mitigate these negative consequences; however, as the systems themselves could cause secondary victimisation they should be altered to reduce or remove this outcome. For example, to avoid secondary victimisation from a face-to-face confrontation, in certain circumstances – such as when children are questioned – interviews can be video recorded and accepted as evidence.

Absence of response

Secondary victimisation can also be due to the absence of an institutional response (or an insufficient institutional response) to a terrorist attack. Institutional abandonment can aggravate the victims' psychological damage or prolong its effects. It can amplify the feeling of loneliness in victims and their families and intensify feelings of mistrust towards society (including institutions). It may even lead to the rejection of potential – eligible – aid, or to an increase in their social isolation and humiliation.

Basic tips

All professionals in contact with victims should consider the following basic tips:

- Be aware that negative experiences have serious consequences on the health and the behaviour of victims of terrorism, and know what to do to help them recover.
- Recognise the signs and symptoms of trauma in victims and their families.
- Provide a response (policies, procedures and practices) that fully takes into account all knowledge of traumatic experiences and try to actively avoid revictimisation.

Secondary victimisation can be averted by providing training to all professionals.

Secondary traumatisation

Secondary victimisation is different from secondary traumatisation. The latter might occur when an individual is exposed to people who have been traumatised themselves, or to disturbing descriptions of traumatic events by a survivor.

Further reading:

- Vicente Colomina, Aída de (2019) Victims of Terrorism Quality Assistance Guide



1.7 VICTIM'S RIGHTS TO PROTECTION: PRIVACY

RIGHTS DESCRIBED

Victims of terrorism have the right to protection of their privacy.

Member States will ensure that competent authorities take appropriate measures during the criminal proceedings to protect the privacy, including personal characteristics of the victim and images of victims and of their family members (Article 21.1 of the Victims' Rights Directive).

To protect the privacy, personal integrity and personal data of victims, Member States will, with respect for freedom of expression and information and for freedom and pluralism of the media, encourage the media to take self-regulatory measures (Article 21.2).

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF PRACTICAL APPLICATION/ADDITIONAL INFORMATION

Government and the media

While governments may agree that the (social) media, with its various roles, can be a strategic resource at times of crisis, finding the right tone in communicating with the media is a challenge. To be able to practise reliable, respectful messaging, to prevent the spread of rumours and to contribute to the recognition of those affected by terrorist attacks, government officials must work hard to communicate with the media.

To make communication more manageable, state authorities can proactively approach the media in the aftermath of a terrorist attack. However, to make the best of the relationship, communication frameworks should be defined, key messages prepared, and the timing of press releases coordinated.

There must be a balance between respecting the privacy and needs of victims and their relatives, and informing the public through media channels. Information from government sources must respect the dignity and security of victims, particularly children. Secondary victimisation must be avoided. In the medium- to long-term, personalised information should be made available to victims and relatives prior to a formal report being made publicly available through media channels.

Social media, citizen journalists, bloggers and vloggers have become an important part of the media landscape, but they do not automatically adhere to the rules and principles, which traditional media have developed over the years. Governments may have to consider how to encourage self-regulation of these new elements in the media landscape – e.g. with respect to the sharing of images of victims or ongoing operations.

Victims and the media

While speaking out in the media can be empowering for victims and helpful to the general public, intrusive media attention may violate their privacy and negatively affect the lives of those portrayed, even in the future. Information may be (come) distorted or manipulated, by journalists or others using news footage. Guidelines, where they exist and to which journalists and editors adhere, for interaction with the media should be made available to victims.

All victims should be treated with dignity and respect by the media, who should uphold the principle of ‘do no harm’ when approaching victims. The informed consent of victims must be gained prior to an interview as they

have the right to refuse to be interviewed, to be filmed or for the use of a picture, in which they can be clearly identified, to be published. Photographers and camera operators must ensure that they do not violate the victims’ privacy or retraumatise them.

Victim support organisations can help victims prepare for interviews, either in the immediate aftermath of the attack or at a later date. Support staff should ensure that the victims’ rights to privacy are maintained and that any message will contribute to the recognition of victims and their needs.

Victims and the social media

Social media channels offer direct and real-time connection to others. Victims might use social media to share their experiences after a terrorist attack. Such narratives can assist victims in sorting out their emotions, actions and the impact of the trauma on their lives. After the Utøya attack, all affected made use of the memorial walls on social media to honour and remember the deceased. Messages of unity and support from government, institutions and communities shared on social media can further support the victims’ recovery in the aftermath of an attack.

The downside of social media must also be highlighted: it can be used to ‘anonymously’ spread hatred, racist comments and the like, while not all photos, stories, videos, and theories circulating about an attack on social media are reliable. Exposure to such content can hinder victims’ recovery. Lastly, the use of live streams on social media can put those affected in the spotlight, in a sometimes (unintentionally) unworthy manner.

It is impossible to entirely shield victims from social media. Awareness raising by victim support organisations and others can empower victims to make informed choices about how much, how and when to expose themselves to and participate in online exchanges about the attack.

Further reading:



- IPSO - Guidance for journalists and editors
- RAN (2018) Delivering Effective Testimonials (EN)
- RAN (2018) Checklist Shaping Your Testimonial (EN)
- Frey (2018) Victims' Use of Social Media during and after the Utøya Terror Attack: Fear, Resilience, Sorrow and Solidarity
- 🌐 France24 (2015) Comment vérifier les images des réseaux sociaux?
- UNESCO (2017) Terrorism and the Media: A handbook for journalists

1.8 VICTIMS' RIGHTS IN RELATION TO ACCESS TO COMPENSATION

THE RIGHTS DESCRIBED

Article 12.1 of the Compensation Directive requires that rules on access to compensation in cross-border situations operate on the basis of Member States' schemes on compensation to victims of violent intentional crime committed in their respective territories. Article 12.2 requires Member States to ensure that their national rules provide for the existence of a scheme on compensation to victims of violent intentional crimes committed in their respective territories, which guarantees fair and appropriate compensation to victims.

Member States shall ensure that, after their first contact with a competent authority, victims are offered, without unnecessary delay, information on how and under what conditions they can access compensation (Article 4.1e of the Victims' Rights Directive). Victim support services shall provide information, advice and support on accessing national compensation schemes for criminal injuries (Article 9.1a).

The support services available for victims of terrorism shall include confidential, free of charge and easily accessible assistance with claims regarding compensation for victims of terrorism available under the national law of

the Member State concerned (Article 24.3 of the Counter-terrorism Directive).

Member States shall ensure that victims of terrorism who are residents of a Member State other than that where the terrorist offence was committed have access to information regarding compensation schemes in the Member State where the terrorist offence was committed. They shall take appropriate action to ensure the effective access of victims of terrorism to such information (Article 26.1).

Recital 28 of the Counter-terrorism Directive explains that assistance with victims' compensation claims is without prejudice and in addition to the assistance, which victims of terrorism receive from assisting authorities in accordance with the Compensation Directive. This is without prejudice to the national rules on legal representation for claiming compensation, including through legal aid arrangements, and any other relevant national rules on compensation.

Article 16 of the Victims' Rights Directive provides for victims to receive a decision on compensation from the offender in the course of criminal proceedings.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF PRACTICAL APPLICATION/ADDITIONAL INFORMATION

State compensation

The Special Adviser, J. Milquet, to the former President of the European Commission, Jean-Claude Juncker, looked into the underlying causes of problems faced by victims when claiming compensation. She identified difficulties in accessing justice or state compensation due to a lack of information, insufficient support, and overly-restrictive eligibility criteria or procedural hurdles.

Victims of crime may claim and receive compensation only at the end of a very long process. This process extends through the different stages of criminal and, often additional, civil or administrative proceedings to end up with yet another procedure - during which victims may claim state compensation. It only takes one element to go wrong in one of the preceding stages for victims to miss out on state compensation.

Offender compensation

Whilst there is a right to seek compensation from the offender, in case of terrorist attacks, the offenders often are dead and those who are brought to justice often do not have the financial means to compensate their victims.

Emergency payments

Special Adviser J. Milquet recommends that emergency payments for victims of terrorism, to cover initial expenses (family travel, funeral costs etc.), are made within 15 to 30 days after the intentional violent act has occurred. She states that this would result in a crucial improvement for victims. She describes the French Guarantee Fund for victims of terrorism and other criminal acts (FGTI) as a perfect example of an emergency payment system that ensures payments can be made within weeks after an attack.

Another example is the German system of hardship compensation (“Härteleistungen”). Through this system, emergency payments can be paid out within a week of the application as an integral part of financial support.

Simplification and digitalisation

Special Adviser J. Milquet furthermore recommends (n°28) the simplification and

digitalisation of the national compensation procedure.

Simplification can be achieved by reducing the number of documents required for a successful application; digitalisation of documentation; facilitating translation of documents (free of charge to the victim); facilitating online compensation claim systems; and creating an online chat and/or a telephone helpline where victims can seek guidance on the procedure.

A digital compensation dossier could simplify the administrative burden for victims. Establishing common evidential requirements for major types of damages would contribute to the equal treatment of cross-border victims and to the application of common standards. Finally, a common application form, including common evidential and eligibility criteria for victims to use when applying for compensation in cross-border cases, would increase access to pertinent information and the awareness of victims compensation schemes in cross-border cases.

Fair and appropriate

There is a disparity among the EU Member States when it comes to the organisation of national compensation schemes. This results in differing levels of compensation and varied efficiency in compensation mechanisms across the European Union. This lack of minimum standards impacts the right to compensation of victims of terrorism.

In case C-129/19, the Court of Justice of European Union clarified the scope of the 2004 Compensation Directive. The Court stated that, under the Compensation Directive, Member States must grant compensation to all victims of violent intentional crime committed in their own territory, including those habitually residing in this Member State. In relation to the criteria to determine a “fair and appropriate” character of state compensation within the meaning of the Compensation Directive, the Court clarified that the compensation is not required to cover full reparation for the loss suffered, but the amount cannot be purely symbolic.

Sudden influx

Furthermore, Special Adviser J. Milquet recommends that Member States should have fair and appropriate national compensation schemes in place, functioning efficiently with protocols to smoothly manage a sudden influx of demands following a mass victimisation, such as a terrorist attack.

EU Strategy on victims' rights (2020-2025)

The European Commission's EU Strategy on victims' rights (2020-2025) states that the European Commission will monitor and assess EU legislation on compensation, (including state compensation and offenders' compensation) and, if necessary, propose measures to complement this framework by 2022.

A number of key actions for the Member States are described:

- Evaluate national compensation schemes and, if necessary, eliminate existing procedural hurdles;
- Ensure that fair and appropriate state compensation for violent, intentional crimes, including acts of terrorism, is reflected in national budgets;
- Ensure full application of the Regulation, mutually recognising asset freezing and confiscation orders, in particular the provisions on restitution of property to the victims and victims' compensation;
- Take actions to ensure that victims are not exposed to secondary victimisation during the compensation procedure;
- Facilitate homogeneous access to information on national compensation schemes (set up interactive, accessible and user-friendly websites);
- Ensure that staff of national compensation authorities are aware of victims' rights and needs to avoid risks of secondary victimisation;

- Cooperate with other Member States in cross-border cases within the relevant EU structures.

Key actions for other stakeholders:

- The European Network on Victims' Rights and the European network of contact points for compensation – to explore how to improve their cooperation and increase the efficiency of the latter;
- Victim support organisations – to engage with the national compensation authorities to offer their support, exchange best practices and mutual training activities.

Compensation systems in Member States

Strict eligibility criteria may prevent victims of terrorism from applying for compensation. Some Member States have specific compensation schemes, or flexible application procedures, for victims of terrorism – if they have experienced a large scale attack or persistent terrorism. Some Member States have initiated a separate compensation scheme for victims of terrorism to that for victims of other violent intentional crimes (e.g. Spain or France) or more flexible procedures (e.g. Belgium) within the same compensation scheme.

Further reading:



- Council Directive 2004/80/EC relating to compensation to crime victims
- Judgment of 16 July 2020, Presidenza del Consiglio dei Ministri v BV, C-129/19, EU:C:2020:566
- Milquet (2019) Strengthening Victims' Rights: From Compensation to Reparation
- European Commission (2020) EU Strategy on victims' rights (2020-2025)
- 🌐 E-justice portal: compensation scheme(s) available in the EU countries
- 🌐 Fonds de Garantie des Victimes
- 🌐 «Härteleistungen» or hardship compensation
- 🕒 Victim's impact statement: taking the perpetrators to Court to receive compensation

2. CONSIDERING PARTICULAR GROUPS OF VICTIMS

2.1 CROSS-BORDER VICTIMS

THE RIGHTS DESCRIBED

The rights of cross-border victims are addressed in the three Directives that are relevant to victims of terrorism.

Article 17 of the Victims' Rights Directive requires Member States to ensure that their competent authorities can take appropriate measures to minimise the difficulties faced where the victim is a resident of a Member State other than that where the criminal offence was committed, particularly with regard to the organisation of the proceedings.

For this purpose, the authorities of the Member State where the terrorist attack was committed shall, in particular, be in a position:

- a. to take a statement from the victim immediately after the terrorist attack;
- b. to have recourse, where possible, to provide video conferencing and telephone conference calls for those victims who are resident abroad.

Member States shall offer victims, who participate in criminal proceedings, the opportunity to have expenses, incurred as a result of their active participation in criminal proceedings and according to their role in the relevant criminal justice system, reimbursed. The conditions or procedural rules under which victims may be reimbursed shall be determined by national law (Article 14 of the Victims' Rights Directive).

Article 26 of the Victims' Rights Directive requires Member States to take appropriate action to facilitate cooperation between Member States to improve victims' access to the rights set out in the Directive and under national law. Such cooperation shall be aimed at least at:

- a. the exchange of best practices;
- b. consultation in individual cases; and

- c. assistance to European networks working on matters directly related to victims' rights.

Article 1 of the Compensation Directive requires Member States to ensure that, if a violent intentional crime has been committed in a Member State where the applicant for compensation does not normally reside, the victim has the right to submit the application to an authority, or any other body, in the Member State of habitual residency.

Member States shall ensure that victims of terrorism, who are residents of a Member State other than that where the terrorist offence was committed, have access to information regarding their rights, available support services and compensation schemes in the Member State where the terrorist offence was committed. The Member States concerned shall take appropriate action to enable cooperation between their competent authorities or entities providing specialist support to ensure the effective access of victims of terrorism to such information (Article 26.1 of the Counter-terrorism Directive).

Furthermore, Member States shall ensure that all victims of terrorism have access to:

- a. emotional and psychological support, such as trauma support and counselling;
- b. provision of advice and information on any relevant legal, practical or financial matters, including facilitating the exercise of the right to information;

in the territory of the Member State of their residence, even if the terrorist offence was committed in another Member State (Article 26.2).

Recital 30 of the Counter-terrorism Directive requires Member States to take appropriate

action to facilitate cooperation with each other to ensure that victims of terrorism, who are residents of a Member State other than that where the terrorist offence was committed, have effective access to information. Additionally, the Member States should ensure that victims of terrorism have access to long-term support services in the Member State of their residence, even if the terrorist offence took place in another Member State.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF PRACTICAL APPLICATION/ADDITIONAL INFORMATION

Single contact points for victims of terrorism

It is recommended that each EU Member State nominates national Single Contact Points for victims of terrorism. Such Single Contact points, decided at a governmental level, should play an essential role in facilitating prompt and efficient cooperation between the relevant authorities of the Member State of the attack and the Member State of the victim's residence.

Beyond the European Union

The structures in place, in case of a terrorist attack in the EU, may be helpful also in relation to third countries. For example, for third country nationals involved in attacks in the EU and for EU citizens involved in attacks outside the EU.

Further reading:



- 🌐 Cellule nationale Victimes (2020) Guide pour les victimes belges d'une attaque terroriste à l'étranger
- German Presidency report (2020) State of play regarding support for victims of terrorism, particularly in cross-border situations

2.2 CHILDREN

THE RIGHTS DESCRIBED

Member States shall ensure that in the application of the Victims' Rights Directive, where the victim is a child, the child's best interests shall be a primary consideration and shall be assessed on an individual basis. A child-sensitive approach, taking due account of the child's age, maturity, views, needs and concerns, shall prevail. The child and the holder of parental responsibility or another legal representative, if any, shall be informed of any measures or rights specifically focused on the child (Article 1.2 of the Victims' Rights Directive).

Child victims shall be presumed to have specific protection needs due to their vulnerability to secondary and repeat victimisation, to intimidation and to retaliation. They shall be subject to an individual assessment (Article 22.4).

Article 24 of this same Directive requires Member States to ensure that where the victim is a child:

- a. in criminal investigations, all interviews with the child victim may be recorded audio visually and such recorded interviews may be used as evidence in criminal proceedings;
- b. in criminal investigations and proceedings, in line with the role of victims in the rel-

evant criminal justice system, competent authorities appoint a special representative for child victims where, according to national law, the holders of parental responsibility are precluded from representing the child victim as a result of a conflict of interest between them and the child victim, or where the child victim is unaccompanied or separated from the family;

- c. where the child victim has the right to a lawyer, he or she has the right to legal advice and representation, in his or her own name, in proceedings where there is, or there could be, a conflict of interest between the child victim and the holders of parental responsibility.

Furthermore, Member States shall ensure that competent authorities may take all lawful measures to prevent public dissemination of any information that could lead to the identification of a child victim (Article 21.1 of the Victims' Rights Directive).

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF PRACTICAL APPLICATION/ADDITIONAL INFORMATION

Most children respond sensibly and appropriately to disaster, especially if they experience protection, support, and stability from their parents and other trusted adults. Like adults, they may exhibit a wide range of reactions in the aftermath of a terrorist attack: headaches and stomach pain. It must be noted that children's fears may also stem from their imagination as, unlike adults, they are less able to judge which fears are real and which are not; however, their fears should be taken seriously. Information for children and adolescents should be provided in an age-appropriate manner. For child survivors of terrorism: remember to also ask about the health and wellbeing of their brothers and/or sisters.

Interaction between caregivers and children

Post-traumatic stress symptoms in parents seem to increase the risk of post-traumatic stress symptoms in children, and vice versa. It is important to assess the health of both children and parents, even if only one of them

has been exposed to an attack. Parents may not be able to interpret their child's reactions and may punish children for unusual behaviour, such as poor performance at school.

Role of schools and kindergartens

Schools and kindergartens may help in the identification of children's health problems and reduced performance. Assessment of the children's behaviour and performance at school and in social activities may be important in identifying those in need of help. Teachers, school nurses or school psychologist may play a key role in supporting traumatised children and young people. Children with post-traumatic stress symptoms may have difficulty in concentrating, leading to poorer performance at school, increasing mental health problems and launching a continuing cycle of stress related issues. School staff may require guidance in delivering support for such children. It may be appropriate to refer young and adolescent victims to specialist support agencies that have specific experience in dealing with these age groups.

Further reading:



- Kar (2009) Psychological impact of disasters in children: review of assessment and interventions
- Pfefferbaum, B., Jacobs, A., Griffin, N. & Houston, J. B. (2015) Children's Disaster Reactions: the Influence of Exposure and Personal Characteristics
- Hamblen (2019) Terrorist Attacks and Children
- 🌐 The terror attack: Experience and reactions among Utøya survivors

3. ORGANISING SUPPORT

3.1 PREPARATION AND ORGANISATION OF THE SUPPORT OF VICTIMS OF TERRORIST ATTACKS

THE RIGHTS DESCRIBED

Article 25.5 of the Victims' Rights Directive states that, in accordance with the duties involved, and the nature and level of contact the practitioner has with victims, training shall aim to enable the practitioner to recognise victims and to treat them in a respectful, professional and non-discriminatory manner.

Article 25.1 requires Member States to ensure that officials, who may come into contact with victims, such as police officers and court staff, receive both general and specialist training. Article 25.2 obliges Member States to make available both general and specialist training to increase the awareness of judges and prosecutors on the needs of victims. Furthermore, Article 25.3 obliges Member States to recommend those responsible for the training of lawyers to make available both general and specialist training to increase the awareness of lawyers of the needs of victims.

Through their public services or by funding victim support organisations, Member States shall encourage initiatives enabling those providing victim support to receive adequate training to a level appropriate to their contact with victims and observe professional standards to ensure such services are provided in an impartial, respectful and professional manner (Article 25.4).

Article 24.4 of the Counter-terrorism Directive requires Member States to ensure that mechanisms or protocols are in place allowing for the establishment of support services for victims of terrorism within the framework of their national emergency-response infrastructures. Such mechanisms or protocols shall envisage the coordination of relevant authorities, agencies and bodies to be able to provide a comprehensive response to the

needs of victims and their family members immediately after a terrorist attack and for as long as necessary, including adequate means to enable the identification of, and communication to, victims and their families.

Member States should ensure that a comprehensive response to the specific needs of victims of terrorism, immediately after a terrorist attack and for as long as necessary, is provided within the national emergency-response infrastructure. To that end, Member States may set up a single and continuously updated website with all relevant information, in addition to an emergency support centre, providing psychological first aid and emotional help for victims and their family members (Recital 29 of the Counter-terrorism Directive).

Support services should consider that the needs of victims of terrorism may evolve over time. Therefore, the Member States should ensure that support services address at least the emotional and psychological needs of the most vulnerable victims of terrorism, and inform all victims of terrorism about the availability of further emotional and psychological support, including trauma support and counselling (Recital 29 of the Counter-terrorism Directive).

PREPARATION AND TRAINING - GOOD EXAMPLES AND ADDITIONAL INFORMATION

Preparedness can be defined as the capability or capacity to respond to needs and problems of victims of a terrorist attack. It requires planning, co-operation and training.

Planning and co-operation

Governments, first responders, medical and mental health institutions, and victim support

organisations should work together to establish a comprehensive response framework. Most existing frameworks take the following into account: (1) plans, protocols, contracts and mutual agreements; (2) available and essential equipment; (3) available and essential staff; (4) command, control and coordination; (5) crisis communication; (6) public engagement; (7) safety and security; (8) continuity and transition; (9) knowledge and skills and (10) funding.

The development of a solid network (of the above entities) and a continuous exchange of information in the planning and preparation stages are crucial to successfully supporting victims of a terrorist attack.

Training

Training for professionals from law enforcement, government (national, regional, local), health and social care, NGOs and support agencies ensures personnel will have the skills required when coming into contact with victims.

Training instils knowledge of emergency practices, policies and procedures as well as improving overall competence and confidence. Other benefits include improved understanding of individual and partners' roles; detection of gaps or limitations in plans, protocols or procedures; and the creation of opportunities to share experiences. Testing and exercising of emergency responses can also be used to link training with outcomes from previous incidents.

The European Commission's EU Strategy on victims' rights 2020-2025 will monitor the implementation of EU rules through the provision of training activities for actors, who are in contact with victims, such as judicial authorities and staff: lawyers, prosecutors, court staff, prison and probation officers. The Commission will, thus, strengthen its cooperation with the European Judicial Training Network (EJTN). The Commission will also promote a better understanding of victims' rights and improved methods of communication with victims among law enforcement authorities with the assistance of the European Union Agency for Law Enforcement Training (CEPOL).

EMERGENCY RESPONSE PHASE - GOOD EXAMPLES AND ADDITIONAL INFORMATION

Once an emergency has been declared, an assessment of needs is carried out. Based on the evaluation of needs, a response is set

in motion with key players (victim support organisations, Red Cross, etc.) alerted to their tasks. Specific circumstances may require additional actors to be deployed. All participants must be aware of their role in the crisis response framework and all services are expected to cooperate. Command, control and coordination (planned and prepared) are crucial to meeting the needs of all emergencies.

Local on-site actors (community workers, local police officers, volunteers, etc.) play a vital role in responding quickly to an incident. Supra-local actors (e.g. the Red Cross, victim support organisations) can reinforce the activities of local actors with their experience, expertise and in-depth training.

The emergency response phase involves anticipating human needs and the registration of victims. In this phase, needs are defined as: safety, acute medical aid, shelter, drinking water and nutrition, medication, sanitation, access to partner, family and close friends, and information about the situation.

First responders, the police, the fire and ambulance services, etc., and other authorities will be under pressure to maintain order and ensure the physical safety of the public, and to provide accurate information. Their responsibility extends further than the direct victims and includes the delivery of fast, effective and accurate communication to a wider audience: from families to broader society, engaging with the media and social media platforms.

The emergency response phase sets the scene for the victim support system in the short, medium- and long-term. The accurate registration of victims will allow their needs and problems to be monitored, and proactively supported after the emergency response phase.

Where a terrorist attack results in numerous victims, there is a close liaison between hospitals, Disaster Victim Identification (DVI) teams, the Public Prosecutor's Office, and the national government. These organisations should agree, in advance, on standard methods of recording and sharing identities, consistent with data protection rules, to allow victims' details to be fed into a central register. A single point of contact, which has access to this central register, should be established for friends and relatives enquiring about loved ones.

The transition of services from the emergency response phase to medium-term support requires effective coordination. A transition mechanism that includes proactive outreach to victims helps in delivering support in a smooth, continuous manner.

MEDIUM- AND LONG-TERM - GOOD EXAMPLES AND ADDITIONAL INFORMATION

Terminology

‘Medium-term’ and ‘long-term’ are not defined by a specific number of weeks or months. In general, ‘medium-term’ is the period after the emergency response phase, characterised by the availability of a high concentration of different types of support to victims of terrorism. At some point in time, the types of support available will substantially decrease and remain stable at a much lower level: the ‘long-term’.

Some victims will become either physically or mentally ill immediately after an attack, most will recover over time, but a subgroup will require prolonged professional attention. The support system should remain available to them for as long as is needed.

Transition

When the demand for support decreases (the transition from medium-term to long-term), service providers will scale down the number of staff delivering assistance – a logical step from the perspective of balancing supply and demand. However, easy access to the services and the coordination mechanisms should remain in place. Firstly, because victims who did not ask for support at an earlier stage, may require such services later. Secondly, because external events may trigger an increased need for support: media attention, the start of the criminal case in court, or new terrorist attacks.

Providers

In practice, services, in the medium- and long-term, will often be provided by several actors: the governmental and health care sectors, education and social welfare systems, as well as by civil society groups including victim support organisations. Peer support groups (victims’ associations) may also provide long-term help – sometimes spanning the victim’s entire life.

The support organisation in the medium- and long-term requires experts, qualified and trained support professionals, to respond to individual needs (practical, legal, financial and psychosocial support).

Funding

Support services are reliant on funding to be able to provide care for victims of terrorism. While specific grants may be available during the emergency response phase and in the medium term, these are usually insufficient to allow organisations support complex long term cases. Surge and long-term funding is required to provide necessary on-going assistance to victims.

In the EU Strategy on victims’ rights, the European Commission indicates it will continue to provide funding opportunities, between 2021-2027 (new multiannual financial framework), to allow victim support organisations to contribute to the implementation of the EU rules on victims’ rights. One of the Commission’s Key Actions will be to provide EU funding to national victim support organisations and relevant community-based organisations to provide information, support and protection for victims.

Further reading:



- Juen et al. (2016) The Comprehensive Guideline On Mental Health And Psychosocial Support (MHPSS) In Disaster Settings
- European Commission (2020) EU Strategy on victims' rights (2020-2025)
- Verheul & Dückers (2020) Defining and operationalizing disaster preparedness in hospitals: a systematic literature review
- Service Public Fédéral Santé publique, Sécurité de la Chaîne alimentaire et Environnement - Le plan d'intervention psychosociale
- GCTF (2012) Madrid Memorandum on Good practices for Assistance to Victims of Terrorism Immediately after the Attack and in Criminal Proceedings
- Report (2020) from the Commission to the European Parliament and the Council on the implementation of Directive 2012/29/EU
- Victim Support Europe, APAV (2019) VOICIARE Synthesis Report
- 🌐 European Network on Victims' Rights

3.2 IDENTIFICATION OF VICTIMS AND INFORMATION ABOUT VICTIMS

THE RIGHTS DESCRIBED

The Counter-terrorism Directive (Article 24.4) requires Member States to ensure that mechanisms or protocols are in place, which envisage the coordination of relevant authorities, agencies and bodies to provide a comprehensive response to the needs of victims and their family members immediately after a terrorist attack and for as long as necessary, including the means to facilitate the identification of, and communication to, victims and their families.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF PRACTICAL APPLICATION/ADDITIONAL INFORMATION

Victims of a terrorist attack are a heterogeneous group: the wounded and deceased, the missing, relatives, cross-border victims, and witnesses, who may only realise months later that they need psychological support to alleviate the consequences of post-traumatic stress. While the scope of their rights as victims of crime varies with the level of harm suffered and with their individual needs, it is essential to identify, as soon as possible, those who have fallen victim to a terrorist attack.

During the emergency phase, identification will often take place either at the scene by first responders, in hospitals, at emergency centres set up immediately following an attack or in buildings (schools, churches, government offices) where victims are brought together.

Immediately after the attack, the registration of victims' details by emergency services' staff may seem unimportant and may be neglected, or overlooked in the heat of the moment. However, to ensure such important data is not forgotten, dedicated staff members should be assigned to carry out this specific task. All relevant authorities should record each victim's personal details and be ready to share this information as required.

Reaching out to victims

Victim identification takes place at nominated reception centres, one-stop-shop centres, hospitals, via helplines and/or websites, and is then merged into one well-kept registry. Without having personal details, it will be difficult to reach out to victims with information and offers of support.

Many of those impacted by the attack, even direct victims, will leave the incident without giving their details. Procedures need to be in place to reach out to them, with explanations as to why they should come forward and how they will benefit from registering their presence at the attack. This process should be as simple as possible and can be achieved through social, and traditional, media campaigns. The identification of victims may continue over months or years, as people come to realise they too are victims.

Immediately after an attack, victims may decide they do not wish help and may state they do not need or want help. Their wishes must be respected, but the option of re-contacting them (legally) should remain open. Experience shows that in time, victims benefit by organisations proactively reaching out and offering assistance.

Privacy

Privacy regulations can complicate the process of obtaining and recording accurate data. During the often chaotic aftermath of an attack this problem cannot be resolved, however, measures should be put in place to assist the registration process after an attack.

It is critical that all organisations record data in the same manner. Protocols or Memorandums of Understanding may be used to ensure commitment and compliance by all parties. The scope of the data collected should be previously agreed by all those, who will use it and by those in contact with victims. Having a limited set of data held by one emergency organisation may prevent victims being contacted by support services in the future.

Victims' data will be held by the police, in hospitals, by victim support organisations, helplines and/or websites. All those, who may come into contact with victims of a terrorist attack must play their part in accurately recording victims' information and in sharing it as needed.

It is preferable that a single organisation is made accountable for the collation and maintenance of victims' data. While the data should remain available to other entities, duplications, corrections and errors can be more easily identified if a sole body has responsibility.

Data to be recorded

The following information should be collected for each victim: full name, gender, date of birth, address, phone number, email address, nationality, whether deceased or wounded and how, type of involvement (witness, bystander, present in a shop or office near the attack, etc.).

Victims should be asked to provide contact details: address, email address and phone number. In addition, it is helpful to have details of family members or close family friends, where a victim is located (specific hospital), and what is their current status (e.g. injuries), etc. Ideally, all information will be held in a case management system (conforming with GDPR) to ensure information is available to those who need it.

Data sharing

Data sharing protocols should conform to relevant EU rules on data protection. The legal basis an organisation puts forward for the collection and processing of data must be taken into consideration as consent is not the only requirement for the exchange of data, nor can it be relied upon.

Technology

Technological solutions that facilitate the recording of information may be explored as problems may occur if information is handwritten on paper: the information can be lost, become illegible etc. Similarly, solutions may be established to handle misspelt names, where foreign lettering in the names (such as accents) may affect the ability to identify a person. These issues can result in the duplication of victim registration or victims not being connected to family members.

GDPR

The use of sensitive personal data is covered by Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation, GDPR).

Victims' personal data can be collected and processed, if at least one of the six lawful bases for processing set out in Article 6 GDPR applies. Consent is only one of those legal bases – the remaining five being: performance of a contract, legitimate interest, vital interest, legal requirement, and public interest – with all six legal bases being equally valid. It is recommended that national authorities, in cooperation with relevant stakeholders, determine the most appropriate way for data collection, processing and sharing. Particular attention should be paid to the need for referral of victims to support services.

Further reading:



- INVICTM (2018) Symposium Report
- Jacobs, J. et. al. (2019) The organization of post-disaster psychosocial support in the Netherlands: a meta-synthesis
- EU data protection rules

3.3 ORGANISATION OF SUPPORT TO VICTIMS OF TERRORISM

THE RIGHTS DESCRIBED

Article 8 of the Victims' Rights Directive states that Member States shall ensure that victims, in accordance with their needs, have access, free of charge, to confidential victim support services acting in the interests of the victims before, during and for an appropriate time after criminal proceedings. Family members shall have access to victim support services in accordance with their needs and the degree of harm suffered as a result of the criminal offence committed against the victim (Article 8.1).

Member States shall facilitate the referral of victims, by the competent authority that received their details and by other relevant entities, to victim support services (Article 8.2).

Member States will establish free of charge and confidential specialist support services in addition to, or as an integrated part of, general victim support services, or to enable victim support organisations to call on existing specialised entities providing such care. These will be available to victims, and their families according to their specific needs and the degree of harm suffered as a result of the criminal offence committed against the victim (Article 8.3).

Victim support services and other specialist support services may be set up as public or non-governmental organisations and may be organised on a professional or voluntary basis (Article 8.4).

Article 24 of the Counter-terrorism Directive supports Victims' Rights Directive: Member States shall ensure that support services addressing the specific needs of victims of terrorism are in place and that they are available for victims of terrorism immediately after a terrorist attack and for as long as necessary. Such services shall be provided in addition to, or as an integrated part of, general victim support services, which may call on existing entities providing specialist support (Article 24.2).

The support services shall provide assistance and support to victims of terrorism in accordance with their specific needs. The services shall be confidential, free of charge and easily accessible to all victims of terrorism (Article 24.3).

Member States shall ensure that mechanisms or protocols are in place allowing for activation of support services for victims of terrorism within the framework of their national emergency-response infrastructures. Such mechanisms or protocols shall envisage the coordination of relevant authorities, agencies and bodies to be able to provide a comprehensive response to the needs of victims and their family members immediately after a terrorist attack and for as long as necessary, including adequate means facilitating the identification of and communication to victims and their families (Article 24.4).

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF PRACTICAL APPLICATION/ADDITIONAL INFORMATION

Whilst it is evident that victims have a right to support, it is not always clear how that support should be organised in any given country: who should provide it, how should it be made available, and what services should be offered? There is no one-size-fits-all answer to these questions. Each Member State will find solutions that take into account their specific national circumstances. Victim support can be provided by the state, by victim support organisations, or by a combination of both.

Organisations

Not all countries have experienced a large-scale attack on their territory and it is not practical to create specialist organisations, waiting on standby for an attack. Relevant specialist skills and procedures could be incorporated into existing Member States' national victim support organisations. Indeed, such skills are often required for other victim groups, such as families of murder victims. Where terrorist attacks are more frequent, victim services are usually best combined with specialist organisations, which focus purely on victims of terrorism.

Coordination

Best practice examples of existing national bodies that coordinate all support and access to information for victims of terrorism are the German Commissioner for Victims of Terrorism, the French Inter-ministerial Delegate, and the Spanish Directorate General for the Support of Victims of Terrorism in the Ministry of Interior and Justice that is dedicated to victims of terrorism.

Many organisations are needed to provide an effective and comprehensive support response, including those that do not normally offer support service provision. However, organisations may unwittingly compete with each other, which can create a confusing environment for officials and victims. Planning should take place to determine which organisations will be involved, how they will work together and how victims will be referred. Such details should be as clear to the victims as to the organisations within the response framework. A widespread victim population may require that different organisations assist victims in different parts of the country and good planning will ensure that the organisations have information on each other, including where services are located and what type of assistance is offered. Regular contact between organisations will increase trust and facilitate the referral of victims.

State and non-State actors should coordinate efforts to provide a comprehensive response to the needs of victims and their family members immediately after a terrorist attack. Support objectives and support organisations must be included in regular disaster/terrorism exercises designed to pressure test responders and to check that procedures are fit for purpose.

Single contact points for victims of terrorism

National Single Contact Points for victims of terrorism in each Member State, appointed at a governmental level, are recommended. These should play an essential role in facilitating prompt and efficient cooperation between relevant authorities: this is especially important when cross-border victims are involved.

Victims' associations

Victims' associations and peer support groups play a distinct role in the aftermath of a terrorist attack. They offer victims a safe space to talk with people with a similar history of victimisation. They organise memorials, both in the immediate aftermath and on yearly anniversaries. Those who set up such groups and associations often need assistance from the government, given their lack of expertise.

Further reading:



- UNODC (2015) Good Practices in Supporting Victims of Terrorism within the Criminal Justice Framework
- Barker et al. (2016) Meeting the needs of survivors and families bereaved through terrorism
- 🌐 Beauftragter der Bundesregierung für die Anliegen von Opfern und Hinterbliebenen von terroristischen Straftaten im Inland (BfO)
- 🌐 Délégation interministérielle d'aide aux victimes
- 🌐 Dirección General de Apoyo a Víctimas del Terrorismo

4. EUCVT

The European Commission set up the EU Centre of Expertise for Victims of Terrorism (the EUCVT) in January 2020, as a two year pilot project, to offer expertise, guidance and support to national authorities and victim support organisations.

Expertise is available on all matters related to victims of terrorism: e.g. on their needs, their rights according to EU legislation, the psychological consequences of terrorist attacks and therapies available for victims, and judicial processes.

During the term of the pilot project, national authorities (departments of justice, of health, of the interior; national organisations of the police, public prosecution or law courts; national first responders; NGOs that support victims of terrorism) may contact the EUCVT for expertise, guidance and/or support.

The EUCVT is unable to provide direct help and assistance to individual victims of terrorism. However, victims that contact the EUCVT will be referred to the authority or service provider in the appropriate Member State (or in other countries as required) that can support them.

Website

- Basic information on the rights of victims, on the needs of victims and on available support for victims of terrorism is available on EUCVT's website.
- The website also contains key documents on victims of terrorism, links to online resources, video statements of victims of terrorism and the professionals involved in their support.

Experts

- The EUCVT has an extensive network of available experts, including victims of terrorism, practitioners and researchers from Member States and around the world. The EUCVT will connect you with the relevant experts as required.
- EUCVT experts are available, at short notice, to deliver their advice in person in EU Member States. The costs involved shall be borne by the Member State making the request for assistance.

Contact details

eucvt@victimsupporteurope.eu

Further reading:

 [EU Centre of Expertise for Victims of Terrorism](#)

