



# HANDBOOK

## ON VICTIMS OF TERRORISM

### ESTONIA

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.

## AUTHORS

National handbook for Estonia was produced by Cristina ANA (VSE) and Levent ALTAN (VSE).

---

## DISCLAIMER

This document has been prepared for the European Commission however it reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.



# CONTENT

---

## INTRODUCTION

## CRISIS RESPONSE STRUCTURE IN ESTONIA

## TERRORIST ATTACKS

## VICTIMS' NEEDS

### 1. THE RIGHTS OF VICTIMS OF TERRORISM

1.1 Victim of terrorism – definition under national law and impact

1.2 Victims' rights to respect and recognition

1.3 Victims' rights to access information

1.4 Victims' rights to access support services

1.5 Victims' rights to access justice – procedural rights

1.6 Victims' rights to protection: physical and privacy

1.7 Victims' rights to protection: secondary victimisation

1.8 Victims' rights in relation to access to compensation

### 2. CONSIDERING PARTICULAR GROUPS OF VICTIMS

2.1 Cross-border victims

2.2 Children

### 3. ORGANISING SUPPORT

3.1 Preparation and organisation of the support for victims of terrorist attacks

3.2 Organisation of support for victims of terrorism

### 4. EUCVT

# INTRODUCTION

**Recently, 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 as well as within EU borders. The impact of terrorism on individuals can be terrible whilst the recovery of victims of terrorist attacks can be affected 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, together with provisions in the Counter-Terrorism Directive (Title V) and the Directive on Compensation, provide 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 to ensure that they are correctly 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 and to national circumstances.

According to the Estonian Internal Security Services, the terrorist threat level in Estonia is low, but manifestations of terrorism cannot be ruled out. In addition there is threat to the society from violent extremism. Estonian citizens have fallen victim to terrorism abroad. Estonian citizens are victims of the terrorist attack in Nice in 2016 when also two citizens died.

## Further reading:



- **On rights:**
  - Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, OJ L 315, 14.11.2012, p. 57–73, hereafter referred to as [Victims' Rights Directive](#)
  - Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA, OJ L 88, 31.3.2017, p. 6–21, hereafter referred to as [Directive on combating terrorism](#)
  - Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims, OJ L 261, 6.8.2004, p. 15–18, hereafter referred to as [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
- **On Estonia :**
  - The Estonian Internal Security Service report 2020-2021

# CRISIS RESPONSE STRUCTURE IN ESTONIA

In practice, in Estonia, the activation of support services for victims of terrorism is arranged according to the same procedures as activation of other procedures in case of an emergency in accordance with the Emergency Act.

An emergency is defined in the Act as “an event or a chain of events or an interruption of a vital service which endangers the life or health of many people, causes major proprietary damage, major environmental damage or severe and extensive interferences with the continuity of vital services and resolution of which requires the prompt coordinated activities of several authorities or persons involved by them, the application of a command organisation different from usual and the involvement of more persons and means than usual.”

The activating bodies are: the Crisis Management Committee of the Government of the Republic, the Regional crisis management committee and the Crisis management committee of local authority. Government stakeholders’ roles organise crisis management in their area of government. Additionally, the Ministry of the Interior has a coordinating role. In doing so it:

- develops the national crisis management policy and plans its execution;
- advises authorities and guides their activities in the organisation of crisis management;
- supervises performance of duties; and
- organises the work of the Crisis Management

Committee of the Government.

An emergency risk assessment is performed and communicated for raising public awareness and increasing readiness for emergencies. The public is notified of threats that could lead to an emergency and of the consequences of an emergency. Instructions are also provided on raising awareness of and increasing readiness for emergencies.

An Emergency response plan is drawn up for resolving an emergency. The authority in charge of the preparation of an emergency response plan and the authorities involved in its preparation have the right to access all relevant information for preparing the plan from other authorities and persons.

The Government appoints a person in charge of an emergency situation. A series of measures can be taken, from the organisation of mass evacuation, combating the threat of emergency, and obligation to work, expropriation of movable property, duty to grant use of an item, expropriation of an item and duty to grant use of an item and payment of compensation, performance of emergency situation work on premises, prohibition on stay and other restrictions on freedom of movement etc.

The Emergency Act doesn’t cover victims, however it refers to financial compensation for those who suffered losses in the respective emergency.

## Further reading:

- [The Emergency Act - providing the legal bases for crisis management](#)



# 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 were seriously injured. These figures only consider deaths and injured. Those affected will be much larger. 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 attacks 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, for instance in 2016 the two attacks in Brussels occurred with just over an hour in between. 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 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. Two Estonian citizens were casualties of that particular attack.

## 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. In Estonia, given its high digitalisation level, the ongoing risk from cyber terrorism could present significant impacts on individuals if vital services are targeted. To prevent attempted cyberattacks, it is essential to scan important computer networks constantly to detect potential security vulnerabilities before the attackers do. State institutions are conducting regular system tests and scans, regularly checking and installing security updates, and ensuring data logging over a longer period of time.

### Further reading:



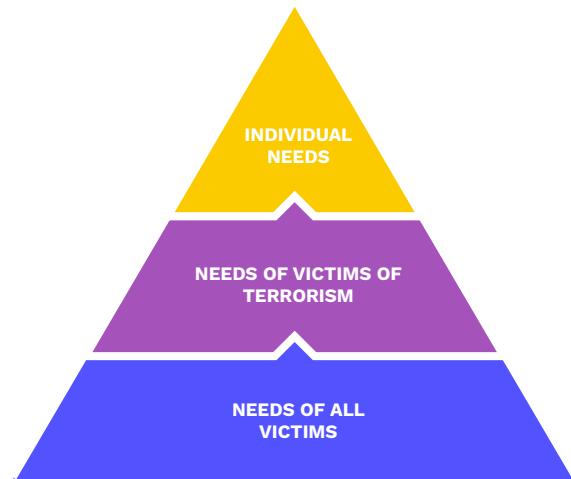
- Europol (2020) TE-SAT Report
- Institute for Economics and Peace (2019) Global terrorism index
- Council of Europe Committee on Counter-Terrorism(CDCT) - Estonia October 2019
- Estonia – ECHO Overview of the National Disaster Management System



# VICTIMS' NEEDS

As specified in Recital 27<sup>1</sup> 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. The measures on protection, support, and assistance to victims of terrorism are further developed in Title V of 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 to meet 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. Member States shall ensure that support services addressing the specific needs of victims are in place and easily accessible immediately after a terrorist attack, and for as long as necessary.

---

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

**In addition to the emergency support, needs of all victims of crime, including victims of terrorism, are divided into five major categories:**



## Needs of victims of terrorism

**According to victim support Act, a victim of terrorism is:**

1. a victim in criminal proceedings commenced on the elements of criminal offence provided for in § 237 of the Penal Code (Terrorist attack);
2. a resident of the Republic of Estonia who would be presumed to be a victim in an act corresponding to the elements of a criminal offence provided for in § 237 of the Penal Code and committed in a foreign state, should the criminal proceeding be commenced in the Republic of Estonia.

**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:**

1. Recognition and respect: as victim of terrorism. No memorials have been identified in Estonia for victims of terrorism, although the other memorials relating for example to the victims the passenger ferry M/S Estonia sinking and the memorial for victims of communism provide some view of approaches to memorials in Estonia.
2. Support: medical care, specialised psychological-trauma care, information, practical assistance, legal assistance, communication (media) support, peer support, etc. In Estonia, support for all the victims of vio-

lence and crime is provided free of charge by the Social Insurance Board with rules and regulations established in the Victim Support Act. Crime victims can receive help from the specialists of the Victim Support Department of the National Social Insurance Board, which are located across the whole of Estonia. Also a free national victim support Hotline that is available 24/7 (116 006), as well as online chat at [www.palunabi.ee](http://www.palunabi.ee) (counselling is available in Estonian, English and Russian).

3. Protection: physical protection, protection from secondary victimisation. In Estonia, there are a range of rules in place for the victims' physical protection, and also to protect victims privacy, and protect them against secondary victimisation, such as restrictions on public access to court sessions, the non-disclosure of the witness's identity, tele-hearing, hearings taking place at different times to the suspect to avoid contact. Additionally, the victim has a right to have one person chosen by them to accompany them in any procedural acts etc.
4. Access to justice: safe participation in the criminal justice process. State legal aid is provided to victims in criminal proceedings. The procedure is stipulated in the State Legal Aid Act. At the same time, if a court finds that the essential interests of a victim may be insufficiently protected without an advocate, the court may decide to grant state legal aid to the person on its own initiative.
5. Compensation and restoration: financial compensation and help with the financial

impact of a terrorist attack. Restoration includes overall recovery and restorative justice processes. In Estonia, victims of violence can receive compensation, respective applications should be submitted to the Estonian Social Insurance Board, who reviews them. If the victim has already received compensation from another country then none will be provided in Estonia.

## 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 UNDER NATIONAL LAW AND IMPACT

### DEFINITION UNDER EU LAW Victim of Terrorism

**Under the Counter-terrorism Directive, a victim of terrorism is defined as follows, in line with the definition offered by the Victims' Rights Directive:**

- 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.

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

The Counter-terrorism Directive lists the intentional acts that shall be criminalised as terrorist offences by Member States. These acts are discussed in detail in Subchapter 1.1 of the EU Handbook on Victims of Terrorism.

### Definition under Estonian Law

Estonian laws have two main definitions of "victim". According to the Victim Support Act, victims are ".../ persons who have fallen victim to a criminal offence, negligence or mistreatment or physical, mental or sexual abuse." In addition, the Victim Support Act stipulates that family members are also entitled to services, for example the family member has a right for the compensation of psychological assistance. There

is also compensation to the dependant of the victim in case the direct victim has lost his/her life for the damages caused by crime if the direct victim has lost his/her life

According to victim support Act, a victim of terrorism is:

1. a victim in criminal proceedings commenced on the elements of criminal offence provided for in § 237 of the Penal Code (Terrorist attack);
2. a resident of the Republic of Estonia who would be presumed to be a victim in an act corresponding to the elements of a criminal offence provided for in § 237 of the Penal Code and committed in a foreign state, should the criminal proceeding be commenced in the Republic of Estonia.

The Victim Support Act in conjunction with Social Welfare Act establishes the broad list of persons that can be considered family members:

- children, parents and grandparents;
- persons who are married or in a relationship similar to marriage;
- ascendants and descendants related in the first and second degree;
- other persons who have a shared household.

The Code of Criminal Procedure provides the following definition "Victim is a natural or legal person whose legal rights have been directly violated by a criminal offence aimed at the person or by an unlawful act committed by a person not capable of guilt. In the case of an attempt to commit a criminal offence, a person is a victim even if, instead of the legal rights attacked, such legal rights are violated the violation of which is covered by the legal rights attacked. /.../ A natural person is a victim even in the case a criminal offence or an unlawful act committed by a person not capable of guilt caused the death of any person close to him or her and damage was

caused to him or her as a result of the death.”

In essence, the definition in the Code of Criminal Procedure specifies persons eligible for a victim status with procedural rights in the criminal procedure.

## 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
- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- German Presidency Report (2020) State of play regarding support to victims of terrorism, particularly in cross-border situations

## 1.2 VICTIMS' RIGHTS TO RESPECT AND RECOGNITION

### THE RIGHTS UNDER EU LAW

Recognition and respect underpin the healing process of victims as individuals and community members. Under EU law, Member States must ensure that victims are treated in a respectful manner by all those they come into contact with. Recital 16 of the Victims' Rights Directive mentions that victims of terrorism often need social recognition and respectful treatment by society.

Recognition and respect are established by ensuring that actors appreciate the victims' situation, their individual and group circumstances, the nature of the attack and how that can influence victims' behaviour.

Commemorative events and memorials form an integral part of the healing process for victims of terrorism, their families and all those affected.

### Identification of victims and information about victims

The Counter-terrorism Directive requires Member States to have mechanisms and protocols in place that will activate support services for victims of terrorism immediately after an attack and that will facilitate the identification of victims and their families. In the aftermath of a terrorist attack, especially those involving a large number of victims, it is key to establish mechanisms of gathering information from the scene that serves multiple purposes. Identification is necessary to complete several key actions, including to:

- Establish the identity of the deceased and injured;
- Cross-refer these identities to the information received from the concerned public, friends and family members, who fear that their loved ones were at the

scene;

- Enable the authorities to make sure that the loved ones are informed about the loss of life or injury of those who were identified at the scene;
- Inform external countries about the fate of their nationals.

### Recognition

Society (local, regional or national government; politicians; media; support providers, and justice/law enforcement actors) can recognise victims of terrorism in many ways: formal written acknowledgement of status as (indirect) victim, remembrance ceremonies, memorials, financial compensation, and/or granting of specific rights. In its EU Strategy on victims' rights, the Commission urges Member States to ensure proper recognition for all victims of terrorism, especially since terrorist attacks are directed at the state and society as a whole.

Commemorative events and memorials form an integral part of the healing process for victims, their families and all those affected. While states may face competing community ideas in the preparation and delivery of such events, it is the wishes and input of the victims that are decisive in the development and realisation of any commemoration: this may be one of the few times victims come together.

Commemoration events provide victims as well as the general public with the opportunity to express feelings and opinions; to experience and receive social support; to show societal acknowledgment and to give meaning to the attack. If done properly, the commemoration can contribute to the victims' recovery process, however, as acts of remembrance may 'dilute' over time, changes in frequency and form should be discussed with the victims. The aim should be to invite all victims and all responders, even those who will not be able to

attend due to injuries or geographical distance. Financial reasons should not impact the victims' decision to attend anniversary events.

## Respect

Treating victims with respect can significantly influence victim satisfaction with government and criminal justice systems. Fundamental to respectful treatment are:

- the way professionals interact with victims and
- the procedures and infrastructures in place.

The cultural and religious background of the individual victim of terrorism determine, to a large extent, what the victim considers respectful treatment.

Respect begins with empathy. Understanding the victims' situation empowers professionals to act in an empathetic manner. However, compassion should be moderated by sufficient professional distance to provide the best possible support.

Respect is not only important for individual victims, but also for the entire group victimised. It is particularly important for vulnerable victims or minority groups, the elderly, children and people with disabilities.

## AN OVERVIEW OF RIGHTS IN ESTONIA

### Identification of victims and information about victims

Beside following standard international rules on identification of bodies and notification of the bereaved, no specialist arranged were found regarding how victims will be registered, particularly in the case of large scale attacks. The basic system is therefore presumed to be used in Estonia for Identification of victims of terrorism.

### Respect and recognition

There is a tradition of national memorials in Estonia, such as the Estonian monument in Galärvarvskyrkogården, at Djurgården honoring the memory of the 852 persons that died 25 years ago, when the passenger ferry M/S Estonia sank on its trip from Tallinn to Stockholm. Periodic memorial ceremonies to honor the victims and the relatives are held with flower placing by the Estonian monument in Galärvarvskyrkogården at Djurgården.

No memorials have been identified in Estonia for victims of terrorism, although the other memorials relating for example to the victims the passenger ferry M/S Estonia sinking, presented above, and the memorial for victims of communism provide some view of approaches to memorials in Estonia.

## THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



## EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

Following the 2017 Stockholm truck attack, the municipality of Stockholm organised a commemoration event to place a wreath on the anniversary of the attack. The lights on the Eiffel Tower were switched off on the

evening of the attack to mourn the deaths. Nice, a city which bore witness to a similar but deadlier attack in 2016, raised the Swedish flag at half-mast the day after the attack to show solidarity with the Swedish people. In Brussels, where a terrorist attack took place a year earlier, the ING Marnix building, near the Throne metro station, was also decorated with a moving Swedish flag animation.

### Further reading:



- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- European Commission (2020) EU Strategy on victims' rights (2020-2025)
- VSE (2019) Remembering Victims of Terrorism: A guidance document



## 1.3 VICTIMS' RIGHTS TO ACCESS INFORMATION

### THE RIGHTS UNDER EU LAW

**The Victims' Rights Directive and the Counter-terrorism Directive set out the following minimal scope of a victims' rights to access information:**

- the information should be easy to understand and available in multiple formats. In choosing the distribution medium particular attention should be paid to reaching vulnerable groups.
- the victims' right to receive advice and information on relevant legal, practical or financial matters as an integral part of the support offered to victims after a terrorist attack;
- the victims' right to receive information from the first contact with a competent authority;
- the victims' right to receive information on the investigation and justice procedures with regard to their case;
- the victims' right to understand and be understood.

### AN OVERVIEW OF RIGHTS IN ESTONIA

In Estonia, for all victims of crime, including victims of terrorism, law enforcement has the obligation to inform the victim about victim support possibilities in Estonia. Usually the police is the first contact point for the victim. The Victim Support Act reaffirms the obligation of investigative bodies to provide such information not only to the victims but also to the dependants who are beneficiaries

of the Act. In addition, investigative bodies, Prosecutors' Offices and courts must explain to the participants in the proceeding all the rights and obligations of the participants.

Information is given orally but also in writing. Distribution of brochures to the victims, in Estonian and in Russian is a frequent practice, while information is also regularly made available on the internet. Depending on the role of the victim in the proceedings, the victim is also given information on an ongoing basis.

The victims' right to receive information on the investigation and justice procedures with regard to their case is clearly stated for victims that file complaints. While criminal investigation can start ex-officio (which would be the case for terrorism crimes), there is no reference if victims in this cases enjoy the same rights as victims that filed complaints

Based on interviews and surveys carried out for the Vociare project, respondents felt that "government institutions' use of language when interacting with victims is relatively good and comprehensible. All the respondents find that information has been adapted so that it is understandable for children, the hearing-impaired, the mentally disabled, and the visually impaired. The majority of the respondents lack information on how the information reaches people who lack literacy, as there has been no contact with people in this segment. For foreigners interpreter is guaranteed, but it can take time, if it's in some not so much known language."

Whilst these rights exist for all victims including victims of terrorism, no specialist rules or procedures were identified for informing victims of terrorism.

## THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



### EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

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:

1. rights and services, actions and expectations – as required by EU rules;
2. factual and topical information regarding

the attack, the current situation, and the condition of loved ones;

3. dealing with the attack (involving reassurance and psycho-education on normal reactions and practical suggestions to encourage healthy behaviour).

### 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 Estonia there is a website especially dedicated for the needs of victims of crime, including terrorism - [www.kriis.ee](http://www.kriis.ee) and there is also a helpline - helpline 1247.

### Further reading:



- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- German Presidency Report (2020) State of play regarding support to victims of terrorism, particularly in cross-border situations
- VOciare National Report Estonia

## 1.4 VICTIMS' RIGHTS TO ACCESS SUPPORT SERVICES

### THE RIGHTS UNDER EU LAW

**The Victims' Rights Directive and the Counter-terrorism Directive set out the following minimal scope of a victims' rights to access support services:**

- Ensure victims' access to generic and specialist support services that are confidential, free of charge and easily accessible;
- Provide at least the following support to victims of terrorism: emotional and psychological support, assistance regarding compensation claims and provision of adequate medical treatment;
- Facilitate referral of victims to support services by the competent authority.

This Subchapter focuses on the rights in relation to access to support services, as established mainly by the Victims' Rights Directive. Chapter Three describes the organisation of support in the specific context of terrorist attacks and other crisis situations in light of provisions in the Counter-terrorism Directive.

### AN OVERVIEW OF RIGHTS IN ESTONIA

Support for all the victims of violence and crime is provided free of charge by the Social Insurance Board with rules and regulations established in the Victim Support Act. Crime victims can receive help from the specialists of the Victim Support Department of the National Social Insurance Board, which are located across the whole of Estonia. Also a free national victim support Hotline that is available 24/7 (116 006), as well as online chat at [www.palunabi.ee](http://www.palunabi.ee) (counselling is available in Estonian, English and Russian).

The Victim support service provides emotional support, shares information about the options of getting help, and guides victims in communication with other authorities. Victims

can remain anonymous when access victim support services though for the purposes of compensation and some other services, personal data will have to be provided. Confidentiality of victims is ensured throughout the process. In addition to general victim support service, victims of terrorism can receive professional psychological counselling as long as the need exists. This help is also organised via the national victim support service.

However, free victim support services are not always available without a formal criminal complaint being made. In Estonia, "in general, access to victim support services is not dependent on a victim making a formal complaint. However, to access free of charge psychological support, the Police needs to provide a certification that criminal proceedings have been initiated. As a result, victims must make a formal complaint in order to access psychological support." Therefore, while Estonian legislation does not formally require a victim to file a formal complaint in order to access free of charge support, as generally, free support is available only if criminal proceedings have been initiated this means that in case no criminal proceedings have been initiated, free support cannot be fully accessed. However, there is an exceptional fund available for victims, possibly applicable for victims of terrorism.

"There is no general requirement for the victim support services to provide information, advice and support relevant to the rights of victims. The national provision refers to 'assisting victims in communication with (...) authorities', but it is not clear what this covers.

According to the Estonian Social Insurance Board: "All victims of the terrorist attack in Nice, who are Estonian nationals, were assigned by the Social Insurance Board's victim support specialists according to their place of residence within the framework of the National Victim Support System, who provided them with **comprehensive assistance, in particular psychological assistance.**"

The medical treatment for victims of terrorism is provided by ambulances and emergency rooms of hospitals. There are exercises organized for emergency rooms and ambulance service providers to be prepared for emergency situations.

Investigative bodies, prosecutors' offices and courts explain victims their right to contact a victim support service and, if necessary, receive victim support services and the state compensation prescribed for victims of crimes of violence and explain which opportunities arising from Estonian law can be used to ensure the safety of victims. Furthermore, "a victim support service is a public service aiming at maintaining or enhancing the ability to cope with persons who have fallen victim to criminal offence, negligence or mistreatment or physical, mental or sexual abuse. As detailed above, receivers of such services are not exclusively required to have submitted a formal complaint about the criminal offence. At the same time, the victims who have not reported the crime have much more limited access to services, e.g they might not get free of charge psychological counselling or monetary compensation."

The service is accessible across Estonia in police stations by the principle of regionality and delivered by the Estonian National Social Insurance Board (Sotsiaalkindlustusamet) which is a state institution under the Ministry of Social Affairs (Sotsiaalministeerium). It may also transfer the provision of victim support services to a legal person or local government. The Estonian National Social Insurance Board has set up and manages Victim Support Information

Line 116006 that provides first-hand information about the victim support system in Estonia and counselling to callers.

Services provided to victims are generally defined as "a public service aiming at maintaining or enhancing the ability to cope of persons who have fallen victim to criminal offence, negligence or mistreatment or physical, mental or sexual abuse" and include:

1. counselling of victims;
2. assisting victims in communicating with state and local government authorities and legal persons;
3. ensuring safe accommodation;
4. ensuring catering;
5. ensuring access to necessary health services;
6. providing necessary material (financial) assistance;
7. providing necessary psychological assistance;
8. enabling necessary translation and interpretation services for receiving the services provided within the framework of victim support services;
9. providing other services necessary for physical and psycho-social rehabilitation of victims.

As a rule, the victim support service is in the same building as the police to secure a smooth referral system.

## THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



## EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

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.

A good practice example on the Estonian referral system for victims of crime, that

could be used for victims of terrorism. Good cooperation between police and victim support services. The fact that a referral mechanism in Estonia is well established between police and victim support services could be considered as a good practice. The aspects that make this a good practice to follow, include proximity of victim support in police stations across Estonia, established formal practices, and personal contacts between police and victim support officers. Additionally, the Estonian victim support system in Estonia is developing a team of specialists who can react to crisis situations and thus be present at the place of the accident, provided provision of such service is safe to the employees.

### 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.

### GOOD PRACTICES: SWEDEN AND FRANCE:

116 006 is Sweden's national support line for all categories of victims and offers support to witnesses; chat available. Victim Support Sweden's helpline is open every day 9 to 7 pm and the chat line is open from 9 to 4 pm. Victim Support Sweden can offer support services in over 25 different languages.

In France, the "Centre d'Accueil des Familles"

(CAF) was set up to provide immediate treatment and support to victims of the Strasbourg terrorist attack of 11 December 2018, under the authority of the CIAV (Cellule Interministerielle d'Aide aux Victimes) and the administration of the City of Strasbourg, in cooperation with local associations. Nearly 700 victims were helped in the aftermath of the attack and, after the crisis phase, the centre became a victim support point, where various support services offered rehabilitation assistance to the survivors.

### Central contact point within government

Currently, the Estonian government appointed a Single Point of Contact for victims within the National Social Insurance Board (especially Victim Support Department).

### Further reading:



- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- German Presidency Report (2020) State of play regarding support to victims of terrorism, particularly in cross-border situations

## 1.5 VICTIMS' RIGHT TO ACCESS JUSTICE – PROCEDURAL RIGHTS

### THE RIGHTS UNDER EU LAW

**The Victims' Rights Directive and the Counter-terrorism Directive set out the following minimal scope of a victims' rights to access justice:**

- the right to be heard;
- the right to access to legal aid, where victims have the status of parties to criminal proceedings;
- the right to reimbursement of expenses resulting from their active participation in the proceedings.

### AN OVERVIEW OF RIGHT TO ACCESS TO JUSTICE IN ESTONIA

In Estonia, a victim's right to be heard is reflected in the following provisions:

- contest a refusal to commence criminal proceedings or a decision to terminate them;
- file a civil action;
- give or refuse to give testimony;
- submit evidence, requests and complaints;
- examine the minutes of procedural acts and give statements on the conditions, course, results and minutes of the procedural acts, where such statements are recorded in the minutes;
- examine the materials of the respective criminal file;
- participate in the court hearing.

State legal aid is provided to victims in criminal proceedings. The procedure is stipulated in the State Legal Aid Act. At the same time, if a court finds that the essential interests of a victim may be insufficiently protected without an advocate, the court may decide to

grant state legal aid to the person on its own initiative.

In addition to standard legal aid provisions, there is also the possibility to designate a representative to a victim with restricted active legal capacity under state legal aid. A new provision requires that the body conducting proceedings must designate a representative to a victim with restricted active legal capacity under state legal aid in the following cases:

1. it may be presumed under the circumstances that the interests of the legal representative of the victim are in conflict with the interests of the victim;
2. the victim who is a minor is separated from his or her family;
3. the victim is an unaccompanied minor for the purposes of the Act on Granting International Protection to Aliens.

Other victims must apply for the state legal aid according to the general principles of obtaining the legal aid. The court can refuse to grant state legal aid if the costs of legal services are unlikely to be double the applicant's average monthly income that is calculated on the basis of the average monthly income in the last four months preceding the submission of the application, from which taxes and compulsory insurance payments, amounts earmarked for fulfilment of a maintenance obligation arising from law and also reasonable housing and transport costs have been deducted. It falls within a judge's discretion to decide about amounts that can be considered reasonable.

Estonian legislation does not restrict access to legal aid based on the type of crime that has taken place. An application for state legal aid must be submitted in Estonian. However, an application may be submitted in English if legal assistance is applied for by a natural person whose place of residence is in another

Member State of the European Union or who is a citizen of another Member State of the European Union or a legal person seated in another Member State of the European Union. In addition, the processing authority must organise the translation of an application submitted in another language widely used in Estonia.

Stakeholders point out that it is not necessary for the victim to fill out the application form of legal aid themselves, it is usually done by the police officer. Therefore there is no need for the form to be available in different

languages.

The following expenses incurred in connection with a criminal proceeding shall be reimbursed to a victim:

1. unreceived income;
2. daily allowance;
3. travel and overnight accommodation expenses.

The aforementioned expenses will also be compensated for in case the court session is adjourned.

## THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



### EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

#### Large scale attacks

Criminal proceedings and trials for large scale attacks are complex. Large numbers of victims and witnesses are involved, and all share

the right to participate in the trial. States may need to establish special measures to facilitate participation, which may include holding trials in larger secure locations to accommodate those involved.

If trials for terrorist attacks and other disasters involve large numbers of victims, there may be a requirement for more support compared to other criminal proceedings.



## **ADDITIONAL SUPPORT TO VICTIMS DURING CRIMINAL PROCEEDINGS FOR LARGE SCALE ATTACKS – GOOD PRACTICE:**

In the context of the trial for the Madrid

attacks of 11 March 2004, one of the largest ever held in Spain, a special pavilion was set up for social workers, psychologists and other support staff/volunteers to provide emotional and practical assistance to victims attending the trial in person.

## **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. The instigation of formal criminal procedures takes time and victims are often left without answers. A public inquiry can serve as an alternative means of answering the questions of victims and society as a whole.

### **Further reading:**



- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- German Presidency Report (2020) State of play regarding support to victims of terrorism, particularly in cross-border situations



## 1.6 VICTIMS' RIGHTS TO PROTECTION: PHYSICAL AND PRIVACY

### THE RIGHTS UNDER EU LAW

**The Victims' Rights Directive and the Counter-terrorism Directive set out the following minimal victims' rights to protection, in particular physical protection and privacy:**

- Availability of measures for the protection of privacy, personal integrity and personal data of victims and their family members, particularly in the context of criminal proceedings. In balancing these measures against the pluralism and freedom of the media, self-regulatory measures should be encouraged;
- Availability of measures to protect victims and their family members from intimidation and retaliation as well as from the risk of emotional and psychological harm;
- Requirement for an individual assessment of victims' protection needs to determine whether and to what extent the victim would benefit from special measures in the course of criminal proceedings.

### AN OVERVIEW OF RIGHT TO PROTECTION IN ESTONIA

In Estonia, there are a range of rules in place to protect victims privacy, such as the following restrictions on public access to court sessions:

A court may declare that a session or a part thereof be held in camera:

1. in order to protect a state or business secret or classified information of foreign states;
2. in order to protect morals or the private and family life of a person;
3. in the interests of a minor or a victim;
4. in the interests of justice, including in the cases where public access to the court session may endanger the security of the court, a party to the court proceeding or a witness.

Information concerning pre-trial proceedings can be disclosed only with the permission of and to the extent specified by a prosecutor's office and the disclosure is not permitted if it violates the rights of the members of the proceeding or third parties, particularly in the case of disclosure of sensitive personal data.

Also, during the pre-trial proceedings the authorities must follow the Public Information Act provisions that require to classify the following information intended for internal use only: information which contains sensitive personal data and information which contains personal data if enabling access to such information significantly breaches the inviolability of private life of the data subject.

Regarding the self-regulatory measures the Code of Ethics of the Estonian Press when covering crime, court cases and accidents, the journalist shall consider whether the identification of the parties involved is necessary and what suffering it may cause to them. Victims and juvenile offenders shall not be identified as a general rule. Also, according to the same code of ethics, materials violating the privacy of an individual can only be disseminated if public interest outweighs the right to privacy.

When victims are witnesses in the criminal proceedings, they are covered by measures to be taken within the criminal procedures, such as the non-disclosure of the witness's identity. A preliminary investigation judge may, at the request of a prosecutor's office, declare a witness anonymous by a ruling in order to ensure the safety of the witness and a witness bearing a fictitious name is heard by telephone and the participants in the proceeding submit their questions to the witness through the judge. In addition, the court may allow a tele-hearing to be conducted or use a partition to hide the witness from the accused. That can be requested or implemented on court's own initiative.

At the same time in practice, the meetings with the police and victims always take place at different times to the suspect to avoid contacts.

Additionally, the victim has a right to have one person chosen by him or her to accompany him or her in any procedural acts unless the body conducting the proceedings has refused it with good reason.

According to the Code of Criminal Procedure, the purpose of an individual assessment is to guarantee special measures and protection to vulnerable victims in criminal proceedings, when necessary.

The individual assessment is a basis to decide

whether the hearing shall be conducted in the premises adapted for the special needs of the victim, by a specialist trained for hearing victims with special protection needs or with his or her participation or, if possible, by the same person during the whole proceedings.

In addition, the court may allow a tele-hearing to be conducted or use a partition to hide the witness from the accused. That can also be requested or implemented on the court's own initiative.

## THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



## EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

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.

## TERRORIST ATTACKS, MEDIA AND VICTIMS' PROTECTION – GOOD PRACTICE:

In France, the French Audiovisual High Council

(*Conseil Supérieur de l'Audiovisuel*, CSA) held hearings with victim support associations and other authorities, to draft a Charter of Media Good Practices during Terrorist Attacks, which included a reminder of existing ethical guidelines.

## VICTIMS AND THE MEDIA/ RIGHT TO PRIVACY

It is difficult to balance the freedom of the media, the general populations' need for information and the privacy protection of victims. 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.

For example, in the aftermath of an attack or disaster, broadcast and print media show images of the scene of the attack and, potentially, of victims and witnesses. These images will likely

be shown again in light of commemorations and remembrance activities of this attack or disaster, which is retraumatising to victims and victims' families. It is advised that victim support organisations are sensitised about the recurrence of distressing images in order that this can be dealt with in a victim-sensitive manner.

It is difficult to restrict harmful information flows on social media channels. However, these can be useful tools for victims and law enforcement agents in the aftermath of an attack. For example, Twitter users started posting pictures of cats after a request from the Belgian authorities not to share information on ongoing police activity during the Brussels lockdown following the Paris attacks in November 2015.

### Further reading:



- [Ivanković, A., Altan, L., Verelst, A. \(2017\) How can the EU and Member States better help victims of terrorism?](#)
- [UNESCO \(2017\) Terrorism and the Media: A handbook for journalists](#)
- [BBC: Belgians tweet cat pictures during #BrusselsLockdown](#)

## 1.7 VICTIMS' RIGHTS TO PROTECTION: SECONDARY VICTIMISATION

### THE RIGHTS UNDER EU LAW

According to the Victims' Rights Directive and the Counter-terrorism Directive, Member States should ensure that measures are available to protect victims and their family members from secondary victimisation.

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.

### Solutions

It should be kept in mind that many solutions reflect the understanding that victims of terrorism are in an abnormal situation and require greater care. Such solutions can include training of professionals on how to engage with victims of terrorism, specific procedures, nomination of staff solely for these cases, forward planning and ensuring victims' participation.

### AN OVERVIEW OF RIGHT TO PROTECTION FROM SECONDARY VICTIMISATION IN ESTONIA

Protection against secondary victimisation is not mentioned as such in Estonian legislation, however, all legislative measures details in the previous section, 1.6., above, have the effect of protecting victims of crime (and implicitly victims of terrorism, against secondary victimisation.

## THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



### EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

It is worth repeating the international good

practice example used in section 1.5 above, that, in the context of the Paris trial for the January 2015 attack, which has already taken place, victims were allowed to give their testimony at the very beginning of the trial.

#### Further reading:



- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?

## 1.8 VICTIMS' RIGHTS IN RELATION TO ACCESS TO COMPENSATION

### THE RIGHTS UNDER EU LAW

**The Victims' Rights Directive, the Counter-terrorism Directive and the Compensation Directive set out the following minimal scope of a victims' rights in relation to compensation:**

- Member States' obligation to set up a scheme on compensation for victims of violent intentional crimes committed in their respective territories, which guarantees fair and appropriate compensation to victims and applies to cross-border situations;
- Provision of advice, support and assistance to victims, including cross-border victims, regarding compensation claims.

In Estonia, a state compensation scheme has been established, according to which victims of crimes are paid state benefits if the crime resulted in a severe bodily injury or a health problem that persisted for at least four months. Compensation is also paid if the victim was killed as a consequence of the crime. The benefits are paid by the Social Insurance Board.

Compensation is paid to victims of crimes of violence committed on the territory of Estonia and to their dependants. Likewise, the person who bears the expenses for medical treatment or the funeral of a victim has the right to be compensated for the expenses pursuant to the Victim Support Act.

The following persons are entitled to compensation:

- Estonian citizens;
- persons residing in Estonia on the basis of a residence permit of a long-term resident, a temporary residence permit or the right of residence;
- citizens of the European Union;
- citizens of a state which is a party to the European Convention on Compensation of Victims of Violent Crimes;
- people enjoying international protection staying in Estonia.

Under the Victim's Assistance Act, 80% of the material damage is indemnified, but no more than 9590 euros total for one victim and all of his or

her dependents. The prerequisite for applying for compensation is that a criminal case must be opened, and victim must contact the Social Insurance Board (regional client service or victim support specialist) to submit an application for compensation. Benefits provided by other schemes in Estonia (such as personal insurance or Health Insurance Fund for example) or in other Member States are taken into account.

In Estonia, there are no additional compensation schemes for victims of terrorism. The Directive does not require the Member States to have in place additional compensation schemes for victims of terrorism, but only to make sure that relevant information is provided regarding the applicable compensation schemes.

As for the right to compensation from the offender, a victim has the right to file a civil action in a criminal proceeding. The investigative body or prosecutor's office must explain to the victim their rights, the procedure for filing a civil action, essential requirements for a civil action, deadlines for filing a civil action and the consequences of allowing any terms to expire, and the conditions and procedure for receipt of legal aid ensured by the state.

The request for compensation must be made within the criminal proceedings. A victim may submit a civil action claim in criminal proceedings if:

1. the objective of the claim is to restore or remedy the well-being of the victim infringed by an act which is the object of the criminal proceedings if the factual circumstances, which are the basis for the claim, overlap in a substantial part with the facts of the criminal offence proceeded and if such claim could also be heard in civil proceedings;
2. it is a claim for compensation for damage by a public authority which could be filed in administrative court proceedings.

If a court makes a judgment of conviction, the court shall satisfy the civil action or proof of claim in public law in full or in part or dismiss or refuse to hear it<sup>1</sup>. If a court makes a judgment of acquittal or terminates the criminal proceedings, the hearing of the civil action or proof of claim in public law shall be refused.

## THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



### EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

#### Emergency payments and compensation to victims of terrorism – good practice:

In France, between 24 and 48 hours after a terrorist attack, the Guarantee Fund for Victims of Terrorist Acts and Other Offences (FGTI) pays a

provisional compensation sum to cover immediate costs. Thereafter, and at the latest within one month from receiving a valid claim from the victim, the FGTI will pay out an initial amount with additional amounts paid based on costs incurred and foreseeable final damages. Additional types of harm, such as anxiety, have been recognized for compensation payment eligibility.

#### Further reading:



- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- VSE (2019) A Journey from Crime to Compensation
- German Presidency Report (2020) State of play regarding support to victims of terrorism, particularly in cross-border situations

<sup>1</sup> Article 310 of the Code of Criminal Procedure

## 2. CONSIDERING PARTICULAR GROUPS OF VICTIMS

### 2.1 CROSS-BORDER VICTIMS

#### THE RIGHTS UNDER EU LAW

**The Victims' Rights Directive, the Counter-terrorism Directive and the Compensation Directive set out the following minimal scope:**

- Appropriate measures should be taken to minimise the difficulties faced where the victim is a resident of a Member State other than that where the criminal offence was committed;
- Expenses, incurred as a result of their active participation in criminal proceedings and according to their role in the relevant criminal justice system, should be reimbursed;
- Member States should 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 as well as access to support services;
- Appropriate action should be taken to facilitate cooperation between Member States to improve victims' access to the rights.

#### AN OVERVIEW OF RIGHTS IN ESTONIA

As Estonia hasn't been exposed to terrorism as much as other EU Member States, there isn't a lot of experience gathered in cooperating with other member states governments regarding supporting victims of terrorism. Should such an emergency arise, the State institution Social Insurance Board (sub-organisation of the Ministry of Social Affairs) acts as the contact point for cooperation and victim support. Estonia is also a member of the ENVR network/association, which has directed its attention to cross-border cooperation for providing victim support.

In Estonian legislation there is no differentiation

between citizens, residents and foreigners' victims' rights. In Estonia there have been no victims of terrorism who are residents of another Member State so far. Victims of terrorist offences committed in another Member State have access to the assistance only if they are Estonian residents.

The only case in which the Estonian residents were victimized in a terrorist attack in another Member State, was the terrorist attack in Nice. All victims of the terrorist attack in Nice, who are Estonian nationals, were assigned by the Social Insurance Board's victim support specialists according to their place of residence within the framework of the National Victim Support System, who provided them with comprehensive assistance.

There have so far not been any criminal cases involving different Member States and therefore it has not been possible to assess the effectiveness of cooperation.

The Code of Criminal Procedure foresees no restrictions based on citizenship or residency about the possibility to report the crime to national authorities in Estonia and a victim who is a citizen of the European Union is entitled to receive compensation. The Code of Criminal Procedure does not mention an obligation to take the testimony of citizens resident in other EU Member States immediately after reporting the crime.

The Code of Criminal Procedure offers the possibility of tele-hearing in order to provide testimony before the court. A tele-hearing of a person staying in a foreign state may be requested if an 'in person' hearing of the witness is complicated or involves excessive costs or if it is necessary to protect the witness or the victim. The request shall set out the reasons for tele-hearing the person, the name of the person to be heard and his or her status in the proceeding, and the official title and name of the person conducting the hearing.



## Translation of official documents

Cross-border victims have the right request the translation of documents to be able to exercise their rights during the preliminary investigation or trial.

## THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



## EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

### Identification and support

#### GOOD PRACTICE EXAMPLE ITALY:

The opportunity to transfer victims' data across borders is enabled through bilateral agreements with other countries via liaison officers, who share information on the

investigation and news about the victims of the terrorist attack. For example, various collaborative activities have taken place after events that occurred abroad, these include carrying out DNA research and the identification of victims by specialized Italian government personnel.

#### Further reading:



- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- German Presidency Report (2020) State of play regarding support to victims of terrorism, particularly in cross-border situations

## 2.2 CHILDREN

### THE RIGHTS UNDER EU LAW

**The Victims' Rights Directive and the Counter-terrorism Directive set out the following minimal scope:**

- Member States should ensure that the child's best interests are the primary consideration and the specific protection needs of child victims are assessed;
- Special protection measures for child victims should be available in light of judicial proceedings;
- The public dissemination of any information that could lead to the identification of a child victim should be prevented.

### Impact of terrorist attacks on children

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.

### THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



## EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

Estonia hasn't set out specific measures for assisting child victims of terrorism therefore the general rules for child victims of crime apply.

A range of protection measures exist, in particular with respect to their treatment in criminal proceedings. For example, in Estonia, if necessary, the hearing of minors is video recorded.

If there is a conflict between the child and the person with parental responsibility, the juvenile

victim is allowed to use legal assistance in their own behalf.

There are specialists at the police with special training to work with children and children are always interviewed by a person with necessary training. Furthermore, the protection needs and support needs of children are taken into serious consideration. If there is any doubt that the victim may be a child, they are treated correspondingly.

### Interaction between TV broadcasting or written media and children

#### GOOD PRACTICE EXAMPLE – ITALY:

In accordance with the Italian National Press Federation's Charter of Journalists' duties to minors and vulnerable subjects, journalists shall respect the principles enshrined in the 1989 UN Convention on the Rights of the Child and the rules enshrined in the Treviso Charter for the protection of the child, both as an active protagonist and as a victim of a crime. In particular, journalists:

- a. shall not publish the name or any detail that may lead to the identification of minors involved in the news;
- b. shall avoid possible exploitation by adults who are inclined to represent and give priority solely to their own interests;
- c. shall assess, in any event, whether the dissemination of the information concerning the child would actually serve the child's interest.

### Interaction between caregivers and children

#### GOOD PRACTICE EXAMPLE – CROATIA:

In criminal proceedings involving children, all information and announcements need to be confirmed by the child, through their explicit

statement that they understood the meaning of the information. In this process, the participation of a professional supporter is fundamental, since they are tasked with explaining to the child, in an appropriate manner, the meanings of different procedural steps and statements.

#### Further reading:



- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?

## 3. ORGANISING SUPPORT

### 3.1 PREPARATION AND ORGANISATION OF SUPPORT FOR VICTIMS OF TERRORIST ATTACKS

#### THE RIGHTS UNDER EU LAW

**The Victims' Rights Directive and the Counter-terrorism Directive set out the following minimum requirements for the preparation and organisation of support of victims in terrorist attacks:**

- Organise training on victims' needs and how to treat victims for practitioners that come into contact with victims
- Ensure that mechanisms or protocols are in place allowing for the establishment of support services for victims of terrorism within the framework of the national emergency-response infrastructures;
- Ensure a comprehensive response network tailored to the specific needs of victims of terrorism.

It should be noted that the availability of an extensive response network depends on Member States' past experiences with terrorist attacks. Some Member States have not yet developed protocols for the establishment of a specific response network to terrorist attacks. Where such specific response network is not available, it is our understanding that existing crisis response structures can be adapted to terrorist attacks.

#### AN OVERVIEW OF RIGHTS IN ESTONIA

In Estonia there are a range of training initiatives in place to ensure all stakeholders understand and fulfil their obligations related to victims.

A key aspect to the organisation of victims rights' has been the adoption of the Strategy for Preventing Violence for 2015-2020 (*Vägivalla ennetamise strateegia 2015-2020*).

The starting point is that training is recognised as a priority within the strategy. In particular, the strategy prioritises the identification of victims as well as their referral to appropriate services.

Importantly, it also notes that in order for the system to work, specialists must be trained in order to recognise signs of violence. Here its stated that: "In order to make sure that sectoral specialists are able to recognise signs of violence and provide adequate help to the victims, the specialists must be informed and trained. The role of healthcare employees in working with violence victims must be clarified, their skills in identifying and helping a violence victim must be improved and their cooperation with other organisations helping violence victims must be facilitated. This is most relevant for family physicians, paediatricians, gynaecologists, ambulance medics, midwives, family nurses and school nurses. /.../ In-service training for addressing violence-related topics must be ensured for teachers of kindergartens and schools; they must be supported in preparing their study materials. A need for in-service training has been recognised among the social workers and child protection employees of local governments; attention must be paid to specialists working with children with special needs and adults and to providers of services to violence victims. It is considered necessary to provide joint trainings and network trainings to ensure a common information space of specialists of various fields working together on violence cases."

In addition to this theoretical framework, in practice a range of training programmes are in place. For example the respondents in the VOIARE report for Estonia say that police officials, prosecutors, advocates and victim assistance workers receive sufficient training on the topic of crime victims' needs. This is specific to all victims of crimes, not victims of terrorism.

A majority of the respondents say that judges could be trained better on the topics. They also say that other experts (administrative bodies, first responders) could receive more training and be given more knowledge.

Compulsory trainings are foreseen for judges in the beginning of their careers. A separate, non-compulsory training on the Directive for judges was offered in autumn 2016.

Other bodies like police, lawyers, prosecutors, court staff and especially victim support workers have received many trainings on these aspects.

## **Preparation and training – national perspectives or international good practices**

### **Planning and co-operation**

Beyond planning and preparation mechanisms for disaster and terrorism, specific roundtables are organised to discuss issues relating to all victims of crime, roundtables are organised with different stakeholders to share information and experiences. These roundtables provide a range of different stakeholders a forum to share information and experiences on rights and services for victims. This allows different agencies to discuss their cases and their approach to them, mutually raise awareness on details of each other's work protocol and create a shared understanding of the criminal procedure. victims of terrorism specific topics have not been discussed so far in detail. In Estonia, roundtables are organised with different stakeholders to share information and experience.

### **Training**

As a complementary measure to ensure that judicial authorities carry out adequate needs' assessments of victims of crime, the state should provide comprehensive training

programmes to all professionals who come in contact with victims. These programmes should have an interdisciplinary approach and should include elements of victim and child psychology, sociology, and victimology. Moreover, these training programmes should bring together professionals from different sectors, such as police officers, magistrates, attorneys, as well as psychologists and social workers, to ensure a multifaceted approach to victims.

## **Emergency response phase – national perspectives or international good practices**

Within the emergency response activities, for events such as terrorist attacks, local public administration authorities have the obligation to ensure support for victims of crime, at the request of the authority coordinating the emergency response. Public authorities and institutions are obliged to collaborate by exchanging personal data, to identify victims of crime, in emergency response activities.

## **Medium- and long-term – national perspectives or international good practices**

In general terms, there are a number of associations and other public as well as private institutions that can provide long term humanitarian and personal assistance.

With regard to international good practices in long-term monitoring and assistance for victims of terrorism, close cooperation, in particular between Belgium and Spain, has enabled victims of terrorism and their loved ones to be assisted on their return to their country of residence, to be informed of their rights and the services in place to support them (compensation, medical and psychological support, etc.

### **Further reading:**

- German Presidency Report (2020) State of play regarding support to victims of terrorism, particularly in cross-border situations



## 3.2 ORGANISATION OF SUPPORT FOR VICTIMS OF TERRORISM

### THE RIGHTS UNDER EU LAW

**The Victims' Rights Directive and the Counter-terrorism Directive set out the following minimal requirements for the organisation of support of victims in terrorist attacks:**

- The availability of support services immediately after a terrorist attack and for as long as necessary. These support services should be confidential, free of charge and easily accessible to all victims of terrorism;
- The establishment of 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;
- Ensure that mechanisms or protocols are in place allowing for the activation of support services for victims of terrorism within the framework of the national emergency-response infrastructures.

### AN OVERVIEW OF RIGHTS IN ESTONIA

As detailed in the introductory chapter dedicated to overall emergency response, in Estonia the activation of support services for victims of terrorism is arranged according to the same procedures as activation of other procedures in case of an emergency according to the Emergency Act. Additionally, in terms of immediate help, according to the Social Welfare Act, the local government has a number of obligations towards people who have run into problems on the territory of the local government. Providing immediate shelter, food, clothing and filling other primary needs is the responsibility of the local government.

In the event of a terrorist attack, exchange of information takes place as a result of cooperation of the National Social Insurance Board (especially Victim Support Department) and ministries of Justice, Interior, Foreign affairs and Social affairs as well as embassies. Aforementioned institutions have established a network of connections, both foreign and domestic, which are used to forward the information to the right recipient as soon as possible.

## THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



### EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

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.

#### Victims' associations

Peer groups are valued because of the

understanding and shared experience of those involved. Peer groups can therefore provide support that is particularly beneficial to those affected. These groups are largely formed spontaneously thanks to individual contacts between those affected, experiences they exchange and mutual support.

#### Certified psychotrauma experts

Most EU Member States have active National Psychotrauma Centres equipped to support persons suffering from PTSD and other disorders.

The EUCVT has compiled a list of Psychotrauma experts, based in Europe, who have all been invited to join the online expertise Hub with a view to exchanging best practices and increasing expertise at the national level.

#### Further reading:

- German Presidency Report (2020) State of play regarding support to victims of terrorism, particularly in cross-border situations



## 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](mailto:eucvt@victimsupporteurope.eu)

### Further reading:

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



