



# HANDBOOK

## ON VICTIMS OF TERRORISM

### AUSTRIA

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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Justice



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# 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, alongside provisions in the Counter-terrorism Directive (Title 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 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/national circumstances.

## 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 [Counter-terrorism directive](#)
  - 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

# AUSTRIA'S CRISIS RESPONSE STRUCTURE

**In Austria, the defence, remediation or mitigation of future disasters, or those which have already occurred (disaster relief, operational provisions), is mainly the responsibility of the nine Austrian states. Each state's disaster relief statutes define the identification criteria and the official operational command for the municipalities, districts and state. During crises or disasters there is an increased need for coordination, which is handled by the Austrian National Crisis and Disaster Management (SKKM). In cooperation with all responsible federal government agencies, the state disaster management authorities as well as the relief and rescue organisations, SKKM ensures efficient disaster relief in Austria and abroad. At the Federal Ministry of the Interior (BMI) an Operations and Coordination Centre (EKC) has been established with a 24/7 unit which acts as a Single Point of Contact (SPoC) and serves as a central hub for information and coordination.**

For every procedure, a distinction must be made between those that take place immediately after the event (major incident, disaster, terrorist attack, killing spree, etc.), which is defined as a special situation, and the special process organisation that is set up later and adapted to the specific ongoing situation. Depending on the dimension and complexity of the trigger event a special situation may prevail for up to two hours.

In special cases, the most important tasks are to inform the public of the facts and to provide assistance to the persons affected, their relatives, and victims' representatives. For this purpose, a Call Center with 20 workstations has been set up at the EKC and can be quickly activated, as required, in crisis and disaster situations. The EKC may call on staff from across the BMI as Call Center agents. Apart from undergoing technical training, the Call Center agents are also trained in active listening skills. Agents can attend to

the callers' special needs in crisis situations. Agents not only provide information, but also register missing persons reports, record data in a structured manner and provide data to the investigating authorities, where required. The contact details of the Call Center will be announced via the media if, and when, necessary. Communication with the Call Center staff is possible in German and in English.

An Information and Support Center (IBZ) may be activated in the state of Vienna in the case of crises or disasters of a certain size. The decision as to whether to put an IBZ into action is made by the Headquarters of the State Police (LPD) of Vienna in coordination with the City of Vienna; they agree on its location and competences, as well as the time of its activation. If necessary, an IBZ serves as the contact point for the relatives and victims' representatives of persons who have gone missing, have been injured or have died due to a crisis or disaster. The relatives and victims' representatives of victims will be updated on their situation and, if necessary, given medical and psychosocial support; this ensures that hospital staff will be spared personal enquiries. Callers may also be redirected, if a call center was activated: the contact details of an IBZ will be announced via media. Communication with the IBZ staff is possible in German and in English.

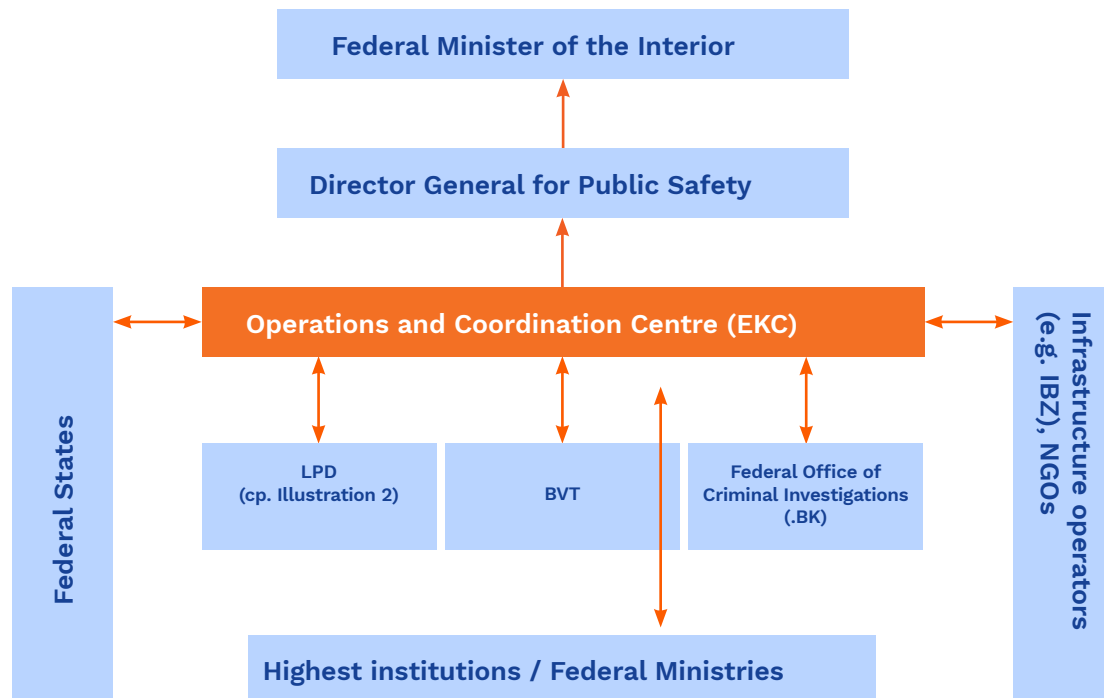
The provision of public information and support to victims, their relatives and victims' representatives will be carried out via the Austrian police emergency number 133, which, depending on the state where the crisis or disaster occurred, will be managed by a 24/7 unit in the relevant State Coordination Centre (LLZ) of the nine Austrian State Police Headquarters. People calling 133 will automatically be connected with the LLZ in charge. Alternatively, the standard European emergency number 112 can be used; the number is also available in other Member

States as first point of contact (Public Safety Answering Point – PSAP). Emergency calls are taken and emergency information is passed on to the relevant emergency service, such as the police, fire brigade or ambulance service. The PSAP is either part of the emergency services or acts as an interface between callers and the emergency services. However, organisation of the emergency services remains a national responsibility or, as in Germany or Spain, a regional one. The ambulance emergency number 144 and the victim emergency helpline operated by Weisser Ring on the initiative of the Austrian Federal Ministry of Justice (BMJ), which in Austria can be reached via the emergency numbers 0800 112 112 or 116 006 (also reachable from abroad), have a 24/7 service as well. Communication with all of the above-mentioned points of contact is possible in German and in English.

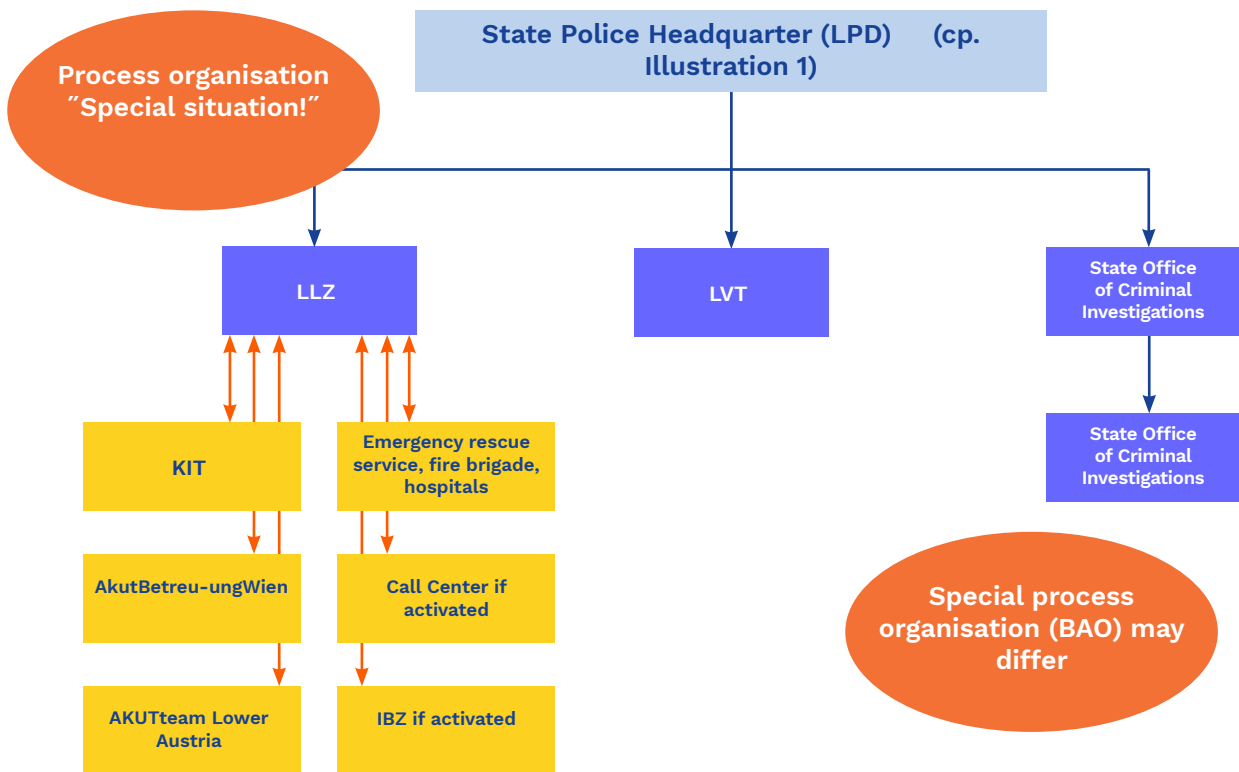
By activating the Call Center and/or an IBZ in Vienna, additional contact points can be established for the affected persons, their relatives and victims’ representatives. In the state of Vienna, the Citizens’ Service of the police will also be available.

On-site investigative and coordination work during crises or disasters is carried out by the relevant LPD police force in cooperation with other emergency services (ambulance service, fire brigade, hospitals, crisis coordination centres, etc.). Police investigations include the identification of responsive victims. On-site first aid is provided by the ambulance services and other relief organisations (Red Cross, Arbeiter-Samariter-Bund, Johanniters and Maltesers), who are in charge of assigning victims, their relatives and victims’ representatives to on-site psychosocial support as part of the crisis management.

Crisis management occurs immediately after the incident and is not to be seen as psychotherapy; it closes the gap between the incident and professional psycho-social follow-up support, as described in chapter 3. In Vienna, crisis management is carried out by Akutbetreuung Wien (ABW), in Lower Austria by AKUTteam; in the other states the Crisis Intervention Team (KIT) of the relevant state is available in this regard. Communication with the crisis coordination centres is possible in German and in English.



**ILLUSTRATION 1: OPERATIONS AND COORDINATION CENTRE (EKC)**



**ILLUSTRATION 2: TASKS OF THE STATE COORDINATION CENTRE (LLZ) IN A SPECIAL SITUATION**



# 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 response 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. 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.

Sweden experienced its deadliest terrorist attack in decades in April 2017 when an Uzbek national with ISIS sympathies used a stolen truck to run over pedestrians on a major shopping street in Stockholm, killing five people and wounding several others<sup>1</sup>.

## 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. In the Norway attacks in 2011, a car bomb in Oslo was followed by second attack at a summer camp less than two hours later, where the attacker opened fired and killed 69 people.

## Weapons

Bombs are not the only weapon used by terrorists: trucks are driven through crowds – like the 2017 attack in Stockholm; 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

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<sup>1</sup> <https://www.refworld.org/docid/5bcf1f7ea.html>

<sup>2</sup> <https://www.sakerhetspolisen.se/download/18.49c9bb7116a06cb4125163/1557738683294/NCT-one-year-assessment-2019.pdf>

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. A similar method was used in Sweden following the 2017 truck 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, Stockholm, Sweden 2017<sup>2</sup>), 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.

## CASE STUDIES

Two events were chosen as case studies to describe the practices applied in Austria after an event occurs (major damage situation, disaster, terrorist attack, killing spree, etc.) in the relevant sections of the handbook: a car-ramming attack in Graz on 20 June 2015 and the terrorist attack in Vienna on 2 November 2020. Both incidents are summarised briefly hereinafter.

Car-ramming attack in Graz on 20 June 2015. In the attack in Graz, around noon on Saturday, 20 June 2015, a 26-year-old man drove an SUV at high speed through the city centre. He killed three people, including a four-year-old child, and injured 36 pedestrians, some of them severely. At some point the driver then jumped

out of his vehicle, with a knife, and attacked and injured two more people. He stopped in front of a city centre police station and police arrested him. One of the victims died several months later because of his injuries.

Terrorist attack in Vienna on 2 November 2020. During the terrorist shooting spree four persons were killed and another 23, including seven women, were wounded, some of them severely. At around 8 p.m., the first shooting was reported in Vienna city centre's "Bermuda Triangle", a busy area with numerous restaurants, clubs and pubs. The 20-year-old perpetrator, who presumably acted alone, was killed by the police only 10 minutes or so after the first shots were fired. He had been a sympathiser of the terrorist organisation "Islamic State" (IS), which is why the attack was classified as an incident of Islamist terrorism.

## Further reading:

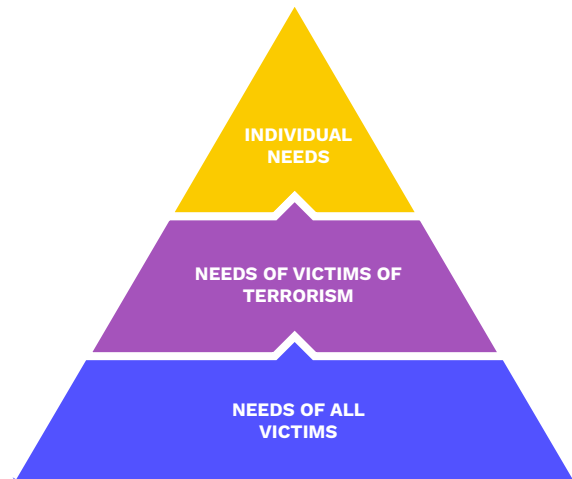


- Europol (2020) TE-SAT Report
- Institute for Economics and Peace (2019) Global terrorism index

# 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 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. 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.

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<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

**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
2. Support: medical care, specialised psychological-trauma care, information, practical assistance, legal assistance, psychosocial and legal court assistance, communication (media) support, peer support, etc.
3. Protection: physical protection, protection from secondary victimisation, e.g. by means of separate and considerate examination of the victims in criminal proceedings.
4. Access to justice: safe participation in the

criminal justice process by, as mentioned before, considerate examination of victims and other measures protecting victims in court (e.g. separate appearance in court, separate waiting and examination rooms, etc.).

5. 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 IN AUSTRIA

## 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 AUSTRIAN LAW

Austrian law defines «victims of terrorism» as persons who suffered harm or whose rights or interests may have otherwise been infringed upon by a terrorist offence. The Austrian Criminal Code [Strafgesetzbuch/StGB] contains a catalogue of terrorist offences in Sec. 278c StGB. They include terrorism connected with:

- murder,

- bodily injury,
- kidnapping for ransom,
- serious coercion, serious threat,
- serious damage to property or data; disruption of the operability of a computer system if the offence may put the life or property of another at a major risk, or where many computer systems or material parts of critical infrastructure are compromised,
- wilful offences against public safety, such as arson, offences involving nuclear energy, weapons of mass destruction or communicable diseases, or serious environmental degradation,
- air piracy or wilful endangerment of aviation safety,
- instigation or endorsement of terrorist offences, or
- specific offences under the Austrian Weapons Act [Waffengesetz/WaffG] or the Austrian War Materials Act [Kriegsmaterialgesetz].

An offence is classified as a terrorist offence if it is capable of causing serious or long-lasting disruption of public life or serious damage to trade, commerce and the economy. Other defining elements are an intention to gravely intimidate the public, to coerce public agencies or international organisations to undertake, tolerate, or refrain from undertaking an act, or to destroy or seriously shake the political, constitutional, economic or social foundations of a state or an international organisation. An offender acts with wilful intent if he or she seriously considers these consequences of the act to be possible and accepts the prospect of them taking place (Sec. 5 para. 1 StGB; conditional intent, *dolus eventualis*).

From a victimological perspective, one should consider that victims of terrorism and terrorist offences have been the target of attacks which, according to the intention of the offender(s), were ultimately meant to cause harm to society

as a whole. Due to this particular type of offence victims usually require special care, support and specific protection. In addition to their suffering, a terrorist attack frequently leads to victims becoming the centre of public attention and, therefore, should be esteemed and respected by the public.

For the sake of completeness only, it is pointed out that with regard to pecuniary damage legal entities may also be victims of terrorist offences.

## IMPACT OF TERRORIST ATTACK ON VICTIMS

All victims of all violent crimes face physical, mental, 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
- Kerschner (editor), *Schmerzensgeld; Kommentar und Judikatur2* (Verlag Österreich, Vienna 2020)
- Danzl/Katrin Gutiérrez-Lobos/ Müller, *Das Schmerzensgeld in medizinischer und juristischer Sicht10* (Manz Verlag, Vienna 2013)
- Gappmayer (editor), *Handbuch Opferrechte* (Manz Verlag, Vienna 2020)

## 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 other 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 determines 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 AUSTRIA

In Austria, when identifying victims, a distinction must be made between responsive victims and those who are not responsive (injured or dead). Responsive victims are identified by the police on-site. Victims who are not responsive, or are dead, are identified in the course of Disaster Victim Identification (DVI) by the DVI team of the State Office of Criminal Investigations (LKA) of the relevant LPD if the terrorist attack is classified as a DVI incident; if it is not a DVI incident, victims who are not responsive and dead victims are identified by police on-site. Classification by the DVI coordinator at the Austrian Federal Office of Criminal Investigations (BK), of an incident as a DVI incident, will depend on

the dimension of the terrorist attack, i.e. the number of severely injured and dead persons. The DVI coordinator has a 24/7 unit.

For surviving victims needing first aid, the police determines a triage place on-site, set up and operated by the local emergency services, to categorise the injured according to the severity and urgency of their injuries. Transport routes to hospitals will be pre-determined and victims arriving at a hospital will be identified by the police officers sent to the hospital or, if officers have not yet arrived, by the hospital staff instead. Any data recorded by the police will be forwarded to the relevant State Coordination Centre (LLZ); if the data is recorded by the relevant hospital, the data will be forwarded to the Vienna healthcare network [Gesundheitsverbund] in Vienna (in other states, to the relevant hospital networks [Krankenanstaltenverbund/KAV]), which will then report the victims' data to the relevant LLZ. By means of this collection and reporting system the relevant LLZ is able to maintain a continuously updated victims' list.

Different organisations will communicate with the victims, their relatives and victims' representatives, depending on whether communication occurs in the emergency phase or in connection with medium or long-term support. In the emergency phase of a terrorist attack communication will be directed via the Austrian police emergency number 133 and, when activated, via the Call Center at the EKC and/or, in the State of Vienna, via an Information and Support Center (IBZ). Victims, their relatives and victims' representatives may also call the victim emergency helpline. In the medium and long term communication will be directed via the victim emergency helpline and/or via the general or specialised victim support services if victims make use of psychosocial and/or legal court assistance.

Victims who do not report themselves as such on-site will be identified when they contact the police emergency number 133, the victim emergency helpline and/or general or specialised victim support services.

Data protection provisions must be complied with in all contact with victims, including when providing information to relatives, victims' representatives or third parties, e.g. media representatives, via a formal identification process such as by showing ID. Only after the ID has been checked may information be given.



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



### EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

The terrorist attack in Vienna on 2 November

2020 was not classified as a DVI incident. Identification of victims on site was carried out by the police forces present and victims taken to hospitals were identified by means of the collection and reporting systems described above.

#### 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
- 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 AND AUSTRIA'S OBLIGATIONS TO ENSURE THOSE RIGHTS

### THE RIGHTS UNDER EU LAW

**The Victims' Rights Directive and the Counter-terrorism Directive set out the following minimum 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 AUSTRIA

The right to access information not only serves the purpose of fulfilling a basic need of victims of terrorist offences it is also indispensable for ensuring that victims will be able to play an active role in the proceedings.

In the Austrian legal landscape, the right to access information is, first of all, a principle of the Code of Criminal Procedure's "participation of victims" in criminal proceedings. According to this principle victims must, among other things, be informed of their rights in the proceedings and of the options to receive

compensation, damages and/or assistance.

The above-mentioned principle is specified in Sec. 70 StPO, which provides that victims have to be informed of their rights once preliminary investigations have started. In practice, such information is primarily provided by the criminal police who are usually the first to be in contact with victims. Public prosecutors and the courts are also required to provide victims with information and clarification. Instructions and information must be given immediately and may only be postponed if, otherwise, the criminal investigations would be jeopardised.

In addition to the aforementioned rights, in Austria, victims must also be informed if, and whenever, prisoners are released or allowed to leave the prison unguarded for the first time. Victims must also be informed whenever the accused abscond and are apprehended again.

Victims of terrorist offences must also be informed of their right to psychosocial and legal court assistance. For this reason, it is of utmost importance that they are given support immediately after a terrorist attack and that they immediately have easy access to free help and advice. This includes appropriately informing the victims and their family members about how the terrorist attack, and its consequences, affects them.

All such communication and information are provided in a way the victims are able to understand. Merely handing out information sheets is not usually deemed as conforming with the law in this regard.

From a practical point of view, it must be pointed out that the criminal police provide information in a well-organised manner. However, during a victim's first examination, it is often very difficult for them to comprehend all the details they are given. This is, among

others, due to the exceptional situation in which they find themselves and because the information is complex.

It would be desirable that a general, or specialised, victim support service be called and/or notified in connection with the safeguarding of the right to access information. This ensures that victims can be informed specifically and according to their needs. Lawyers' feedback shows

that information on the current status of proceedings and the contents of the file is of particular importance to victims. In Austria, this need for information can, above all, be fulfilled by the opportunity to inspect the case file defined in Sec. 68 StPO. Experience, especially by court assistance, has shown that victims have a great interest in the contents of these files. They always want to know how the accused persons justify themselves.

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



## EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

Austria has numerous general and specialised victim support organisations which are committed to helping and supporting all victims of crime. A relevant source of information on victims' rights in proceedings, and the support and compensation options available to them, is the 0800 112 112 helpline operated by the victim support organisation Weisser Ring, on the initiative of the Austrian Federal Ministry of Justice (BMJ). The website

[www.opfer-notruf.at](http://www.opfer-notruf.at) also offers relevant online information. Thanks to the victims' helpline, information is available in Austria 24/7 on all relevant topics as are the contact details of specialised victim support and/or other organisations in charge of their matters.

The Austrian bar associations offer victims general legal information, with lawyers providing "initial legal advice".

Under the Austrian Victims of Crime Act [VOG], victims may be granted substantial compensation payments. Information on this is provided to victims by the Social Ministry Service ([www.sozialministeriumservice.at](http://www.sozialministeriumservice.at)).

## CASE EXAMPLE

The car ramming attack in Graz on 20 June 2015. On 25 June, the police submitted an initial list of victims and witnesses: victims who were injured, victims who were not harmed but vulnerable, and persons who had suffered property damage. From that time, the Safeguarding Centre Styria proactively contacted those on the list of victims, which was constantly updated by the police, by phone (where necessary with the assistance of interpreters) and in writing (where necessary in their native language) and support was offered in the following order of priority: making appointments with psychotherapists; assistance with clarification regarding payment of costs; providing legal information, including on the Austrian Victims of Crime Act (VOG); offering psychosocial and legal court assistance, and providing related information; granting court assistance; referring victims to the Victims' Lawyer retained by the Safeguarding Centre Styria for court assistance and offering free advice to victims regarding their insurance claims. At the Safeguarding Centre Styria, a total of 150 victims and affected persons were granted support and 56 victims were

granted court assistance in the criminal proceedings.

On 30 June 2015, a website was set up by the Victims' Lawyer retained by the Safeguarding Centre Styria for informing persons involved in the criminal proceedings. Clients were given a password to access the website. The objective of this website, which was set up in close cooperation with the Safeguarding Centre Styria, was to provide up to date daily information on all news related to the criminal proceedings. Clients were assured that only general information would be available on the website and that, in compliance with the obligation to maintain confidentiality, no personal data would be published. They were also informed that the website was not open to the public but intended to grant victims of the car ramming attack easy and quick access to as much information as possible. Users were asked to keep the password for the website secret and not to disclose it, because the website contained information on the criminal proceedings against the perpetrator between 1 July 2015 and 27 June 2017, the day on which the judgment became non appealable/final.

## 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

## 1.4 VICTIMS' RIGHTS TO ACCESS SUPPORT SERVICES AND AUSTRIA'S OBLIGATIONS TO ENSURE THOSE RIGHTS

### THE RIGHTS UNDER EU LAW

The Victims' Rights Directive and the Counter-terrorism Directive set out the following minimum 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 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 VICTIMS' RIGHTS TO ACCESS SUPPORT SERVICES IN AUSTRIA

In Austria, the right of free access to general and specialised victim support services is intended to ensure that victims of terrorist offences and their family members have access to organisations which act in their interest. These organisations have an obligation to maintain confidentiality during, and for, a reasonable period of time after conclusion of the criminal proceedings.

Austria has a vast number of general and specialised victim support organisations. One of them, which is accessible to all victims of crime, is Weisser Ring. It operates the aforementioned victims 0800 112 112 helpline on behalf of the Federal Ministry of Justice: this is a tollfree 24/7 helpline. As shown by the Graz car-ramming attack, specialised victim support services and safeguarding centres are available during special crisis situations and thereafter.

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



## EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

In Austria, an important tool for implementing the victims' right of access to victim support services is the establishment and funding of both general and specialised victim support organisations.

On the one hand, this is done through government grants, on the other, the Federal Ministry of Justice (BMJ) commissions suitable victim support organisations to deliver psychosocial and legal court assistance: the legal institution which ensures necessary support and assistance is provided to victims of terrorist offences.

In Austria, support from the Weisser Ring organisation is available to all victims of crime, i.e. including terrorist offences, as it is a general victim support organisation; there are also several specialised victim support organisations. Free, effortless access

to victim support services is, above all, guaranteed by the victims' helpline (0800 112 112). This emergency helpline is operated by Weisser Ring on behalf of the Federal Ministry of Justice. Victims receive appropriate assistance on a confidential basis, anonymous help is available if they wish, and are referred to specific victim support organisations as necessary. Victim support organisations are also responsible for ensuring that victims are given emotional and psychological help as well as advice in financial and economic matters.

In Austria, the victims' right to psychosocial and legal court assistance is an example of good practice. Psychosocial court assistance ensures emotional and psychological victim support. Legal court assistance involves the best possible advice and representation in legal affairs by a lawyer. This combination of psychosocial and legal court assistance guarantees access to victim support in an optimal manner; victims are strengthened and prepared for their participation in the proceedings in an ideal manner.

### CASE EXAMPLE

Car-ramming attack in Graz on 20 June 2015. Immediately after the attack, the Safeguarding Centre Styria offered their services, to provide the victims of the attack with support after the immediate crisis intervention, to the State Office of Criminal Investigations (LKA). The Safeguarding

Centre Styria repeatedly emphasised that they needed the victims' and witnesses' data to be able to pro-actively offer support. Later in the afternoon of the attack, the Safeguarding Centre Styria offered their services via a press interview; these services were further communicated to the public over the weekend through the media.

### 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' RIGHTS TO ACCESS JUSTICE – PROCEDURAL RIGHTS AND AUSTRIA'S OBLIGATIONS TO ENSURE THOSE RIGHTS

### THE RIGHTS UNDER EU LAW

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

- the right to be heard;
- the right to access 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 THE RIGHT TO ACCESS TO JUSTICE IN AUSTRIA

A broad spectrum of rights for victims of crime has been established for court proceedings. The scope of these rights guarantees that, in this context, Austria has assumed a pioneering role within the European Union.

According to rulings of the European Court of Human Rights (ECtHR), Art. 13 ECHR states that victims have a right to effective criminal proceedings. Thus, in Austria, victims have the right to participate in criminal proceedings;

they are party to the court proceedings and the prosecution must adequately consider the victims' interests, and special needs for protection.

However, only victims aware of their right to access justice and their procedural rights will have access to the proceedings. Therefore, it is up to the authorities to provide information of an important nature, especially when it comes to victims of crime.

Another instrument, used efficiently in the Austrian legal system to ensure that victims of terrorist offences have access to justice, is the provision of psychosocial and legal court assistance. Assistance by lawyers and psychosocial assistance in criminal proceedings ensures that victims learn about their rights and are empowered to exercise it. Moreover, legal court assistance ensures that victims will be kept informed about the current status of the proceedings while psychosocial court assistance helps to explain what happens during the court proceedings, which can sometimes be rather complex.

Apart from the victims' option to join the criminal proceedings as civil claimants, they are also free to apply their rights by means of introducing a separate civil action.

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



## EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

Victims of terrorist offences have extensive rights to actively participate in criminal proceedings and, in Austria, they have the role of parties in the proceedings. However, participation in the proceedings is only possible if victims are granted the right to be heard, and are able to exercise their rights to participate, to ask questions and to petition that evidence be taken.

The right to be heard has been well implemented and all victims of crime have the right to be represented in the proceedings, to inspect the file, to obtain information, to ask defendants and witnesses questions, to comment on their claims, to file petitions for the taking of evidence and to explain their point of view in the proceedings. The victims' right to be heard and the right to participate in the proceedings will directly depend on whether victims have the financial means to participate in the proceedings. This is a very important factor to the access to justice.

For victims of terrorism, psychosocial and legal court assistance can again be mentioned as an example of good practice. This assistance is available to such victims free of charge, if this is necessary for safeguarding their procedural rights due to their personal circumstances. Legal and psychosocial assistance in the proceedings ensures a safe environment for the victims during the proceedings and warrants compliance with, and safeguarding of, victims' rights. Should victims have no right to legal court assistance, legal aid may be granted. However, victims of terrorist offences have a right to legal court assistance in any case.

Additionally, Austria also offers legal aid for victims in civil proceedings if the victims are not able to retain a lawyer at their own cost or to bear the court fees themselves due to their personal economic circumstances. Victims are usually entitled to payments under the GebAG as well (e.g. travel expenses), if they attend official hearings as witnesses or have to participate in hearings. These rights facilitate access to justice for victims of terrorist offences in terms of financial means.

### 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 AND AUSTRIA'S OBLIGATIONS TO ENSURE THOSE RIGHTS

### THE RIGHTS UNDER EU LAW

**The Victims' Rights Directive and the Counter-terrorism Directive set out the following minimum 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 AUSTRIA

Victims of terrorist offences have the right to protection against secondary victimisation, intimidation and retaliation. Therefore protection from emotional or mental harm, and the safeguarding of victims' dignity is ensured as well.

The importance of this victims' right results from the Code of Criminal Procedure (Sec. 10 para. 3) requirement that all public authorities, organisations and persons involved in criminal proceedings must treat victims in a way that their personal dignity and privacy will be safeguarded.

Daily practice has shown that victims are often plagued by the prospect of having to face the

offender (at the court hearing). That is why the option of a separate examination was introduced in the law. In the case of victims of violence or of serious threat the court may order that the accused person must leave the court room while the victim is heard (Sec. 250 and 165 StPO).

In this regard, a considerate examination of vulnerable victims is possible. Such an examination is specifically intended to prevent secondary victimisation and warrants the victim's right to be examined as soon as possible, but only to the extent that is absolutely necessary. In the case of the examination of vulnerable persons as defined in Sec. 165 para. 3 StPO the main priority is to avoid additional stress that would be caused by further interviews.

Victims of a terrorist offence also have the right to participate, raise questions and, in certain circumstances, to petition that evidence be taken. Where the rights of victims are curtailed by the authorities in charge, victims may file an appeal. Ultimately, victims may be awarded civil-law claims, provided that they can be identified and quantified during the course of the criminal proceedings.

If preliminary investigation proceedings are discontinued, victims may file a petition for the continuation of the proceedings. Where a judgment is rendered, the victim's right to appeal is very limited.

The victim's right to protection of their privacy is also embodied in the Austrian law.

Apart from the provisions of the Austrian Data Protection Act [DSG] and the obligation of public officials to maintain confidentiality, Sec. 10 para. 3 StPO provides that the prosecution authorities must specifically safeguard the privacy of victims in connection with images, personal data and personal information. More specifically, Sec. 51 para. 2 in conjunction with Sec. 162 StPO provide for the victim's right

that personal data and facts that allow their identification to be excluded from inspection of files.

In special, exceptional, cases, evidence may be given anonymously pursuant to Sec. 162 StPO in order to protect witnesses and/or victims.

Here, the principle of publicity, laid down in Sec. 12 StPO must be mentioned as it is of fundamental importance. According to this principle, hearings before criminal courts must normally be accessible to the public. It serves the interest of human rights and the purpose

of a fair trial, democratic control of criminal proceedings and is intended to strengthen people's trust in the judiciary. However, it then raises the question that the rights of victims for privacy and data protection may be compromised which is why the public may be excluded from attending a trial pursuant to Sec. 229 StPO, including cases where victims discuss personal or confidential matters or where their identity must be protected. The latter occurs whenever a victim might be exposed to serious danger to life, health, physical integrity or freedom. However, verdicts must always be announced publicly.

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



## EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

From experience, victim support organisations recognise that victims of crime are very anxious about having to face offenders during the criminal proceedings. Statutory requirements in Austria ensure that such a confrontation can, in most cases, be avoided.

Contact with the perpetrator may also be prevented by holding separate victim hearings. Austrian courts usually have suitable rooms and technical equipment in place for this reason. From a practical point of view, it is important to let the court in charge know, as

soon as possible, that the victim wishes to be examined separately so that rooms can be reserved accordingly.

Apart from the principal provision of the aforementioned Sec. 10 StPO the Austrian Code of Criminal Procedure contains a number of provisions aimed at the protection and considerate treatment of victims during ongoing investigations and legal proceedings. Consequently, reference has to be made to the statutory provision whereby the criminal police, public prosecutors and the courts must adopt investigative procedures that will have the least impact on the rights of the victims. Moreover, avoiding unnecessary attention and safeguarding the dignity, rights

and legitimate interests of those concerned must be ensured at all times.

In view of the fact that examinations may be particularly stressful for victims, their right to be represented must be emphasised. Victims of terrorist offences are usually entitled to legal and psychosocial court assistance. While legal court assistance ensures that victims can exercise their rights, psychosocial court assistance contributes to reinforcing the mental constitution and emotional strength of victims.

In Austria, an example of good practice preventing secondary victimisation is connected with physical examinations: victims cannot be forced to undergo such an examination (Sec. 123 in conjunction with Sec. 121 para. 1 StPO).

In Austria, the vulnerability of victims is assessed and ascertained as early as possible. This assessment takes into consideration the victim's age, mental and physical health, and the nature and specific circumstances of the offence. Victims of terrorist offences may be considered particularly vulnerable victims as defined in Section 66a of the Austrian Code of Criminal Procedure [StPO], which will usually be the case in view of the type and specific circumstances of such offences.

Considerate adversarial examination constitutes an important instrument for preventing secondary victimisation and thus designing the criminal proceedings to cause as little stress to the victims as possible. Since technical know-how and equipment is required for that purpose, such examinations must be prepared in advance.

### 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

## 1.7 VICTIMS' RIGHTS TO PROTECTION: SECONDARY VICTIMISATION AND AUSTRIA'S OBLIGATIONS TO ENSURE THOSE RIGHTS

### 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 victimisation effect of a terrorist attack on victims can be magnified in many ways:**

- repetition of statements in police interviews;
- 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 colleagues/peers in the workplace, school, university.

### Solutions

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 AUSTRIA

Numerous measures have been taken to protect victims from secondary victimisation and intimidation. Apart from the relevant offences defined by law and designed to protect everyone against intimidation and threat, the Code of Criminal Procedure provides several means that offer protection.

As one measure to prevent secondary victimisation, the principal criminal-law provision must be mentioned: the criminal police, public prosecutors and the courts must adequately take the rights, interests and particular vulnerabilities of victims into account. Moreover, the victim's personal dignity and privacy must be safeguarded during the proceedings (Sec. 10 StPO).

In view of the fact that each deposition and interview causes the victim emotional distress, considerate adversarial examination was introduced to the criminal proceedings (Sec. 165 para. StPO). During such an examination, not only must it be ensured that the victim and the defendant do not meet each other, but it is also intended that no further examination of particularly vulnerable victims should be necessary.

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



### EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

According to Sec. 66b para. 1 StPO, victims of terrorism specifically have access to psychological and legal court assistance as far as this is necessary for the safeguarding of their procedural rights, by taking into account how much each victim is personally affected.

Experience has shown that victims of crime are very anxious about having to face offenders during criminal proceedings. Statutory requirements in Austria ensure that such a confrontation can be avoided in most cases.

Contact with the perpetrator may also be prevented by the separate examination of

victims in criminal proceedings. For this purpose, Austrian courts usually have suitable rooms and technical equipment in place. From a practical point of view, it is important to tell the court in charge, as soon as possible, of the victim's wish to be examined separately, so that rooms can be reserved accordingly – as shown in the previous section.

In Austria, the specific vulnerability of victims must be assessed and ascertained as early as possible. The assessment must consider their age, mental and physical health, and the nature and specific circumstances of the offence. Victims of terrorist offences may be considered particularly vulnerable victims, as defined in Section 66a of the Austrian Code of Criminal Procedure [StPO], which will usually be the case in view of the type and particular circumstances of such offences.

### 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 AND AUSTRIA'S OBLIGATIONS TO ENSURE THOSE RIGHTS

### THE RIGHTS UNDER EU LAW

The Victims' Rights Directive, the Counter-terrorism Directive and the Compensation Directive set out the following minimum scope of a victim's 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.

### AN OVERVIEW OF RIGHTS IN RELATION TO ACCESS TO COMPENSATION IN AUSTRIA

The fact that judges in criminal proceedings

may sentence the offender to pay damages to the victim makes sense not only for economic reasons but also for reasons of procedural economy. It allows victims to obtain a judgment without being exposed to the risk of incurring costs. Moreover, this may also help to avoid emotionally stressful follow-up proceedings before a civil court.

In Austria, this option is available under the instrument of joining the proceedings as a civil claimant (Sec. 67 StPO). Victims join the proceedings as civil claimants and state the amount of damage they have suffered as a result of the offence. The court must award damages, if the outcome of the criminal proceedings provides sufficient support for the claim (Sec. 366(2) StPO).

Victims of crime may not only claim damages from the offender. They may also claim government support under the Austrian Victims of Crime Act [VOG], which is granted by the Social Ministry Service (SMS) upon the victim's application.

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



## EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

According to Sec. 66b para. 1 StPO, victims of terrorism have access to psychological and legal court assistance as far as this is necessary for safeguarding of their procedural rights, by taking into account how much they are personally affected by the offence.

The regulations regarding claims by victims of an offence may sometimes be quite complex: they extend from a claim for restitution of stolen property (Art. 15 Victims' Rights Directive) via damages up to compensation for pain and suffering, or loss of earnings. Victims may also have a claim for medical expenses or compensation for bodily disfigurement. Surviving dependants of victims may claim maintenance payments. All legal claims may normally only be pursued successfully with professional help. Legal court assistance can be mentioned as an example of good practice. Providing victims with lawyers ensures the best possible way in which claims will be calculated accurately and asserted effectively.

Another example of good practice in Austrian criminal procedure law is compensation for pain and suffering, calculated on a time basis. The entitlement for one day of severe pain and suffering amounts to EUR 330, one day of medium pain and suffering is calculated at EUR 220, and one day of light pain and suffering at EUR 110. These periods of distress are calculated by medical experts as per Sec. 67 para. 1 StPO stipulates that experts will be appointed by the public prosecutor or the

court to assess bodily injury or harm caused to life.

If a victim has been awarded compensation by the court, he or she may petition for an advance on the compensation, pursuant to Section 373a StPO, that will depend on several requirements being fulfilled. A criminal court conviction is required for victims to be paid compensation by the accused.

In the case of the Graz car-ramming attack on 20 June 2015, the City of Graz set up a Support Fund for the victims. The Safeguarding Centre in Graz received information about the fund from the City of Graz and passed it to the Safeguarding Centre Styria advisors to then inform victims and those affected. Everyone affected by the attack was able to file an application for financial support, with a brief personal statement, at the Directorate of the Municipality. The Victim Support Fund was available for over two years.

Victims of crime may be entitled to specific health care (e.g. psychotherapy, benefits in kind) and they may be entitled to a lump-sum payment for pain and suffering between EUR 2,000 and EUR 12,000 and, under certain circumstance, to compensation for loss of earnings. In addition, unforeseen expenses, such as funeral costs, may also be reimbursed.

Sec. 70 StPO provides for the right to information of victims of crime, regardless of whether they are resident in Austria or in another Member State. Thus, victims of terrorism who are residents of a Member State other than that where the terrorist offence was committed are provided access to information.

### 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

## 2. CONSIDERING PARTICULAR GROUPS OF VICTIMS IN AUSTRIA

### 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 when 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 their rights.

#### AN OVERVIEW OF RIGHTS IN AUSTRIA

The rules for jurisdiction of terrorist offences are governed by Sec. 62 et seqq. StGB. Following the general territoriality principle, all offences committed on Austrian territory are punishable under Austrian law. Committing a terrorist offense on Austrian territory means that either the act has – or should have – taken place there, or that a result corresponding to the constituting elements of the offence has fully or partly taken place, or should have taken place there, according to the definition

of the offence. Thus, no differentiation is made between victims who are foreigners or Austrian nationals if the terrorist attack is committed on Austrian territory.

According to the Victims of Crime Act, Austrian citizens, and those of the European Union (EU) and the European Economic Area, are basically entitled to receive support, including compensation. For injuries that occur abroad, citizens of the EU are, in principle, entitled to receive support, if they were residents of Austria prior to the offence. Third-country-nationals are provided compensation if the offence was committed in Austria after 30th of June 2005. Claimants usually must have legal residence in Austria at the time of the offence.

Most claims must be filled within three years of the offence in order to receive retroactive assistance. If the application is submitted later, assistance will be due from the month following the application.

Benefits under the Victims of Crime Act (VOG) have to be applied for at the Federal Office for Social Affairs and People with Disabilities (Sozialministeriumservice), which is also the first-instance authority deciding on applications.

If the crime is committed abroad only persons who can receive similar state compensation under foreign legal regulations, in the country where the terrorist attack occurred are excluded from compensation under the Victims of Crime Act. If the foreign compensation does not reach the Austrian threshold, or if no service is provided or possible in the country where the terrorist attack occurred, a (partial) claim can still be made in Austria, according to the Victims of Crime Act. If the crime took place in Austria, compensation from other member states is not taken into account.



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



### EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

With respect to cross border victims' rights, Austria has implemented its commitment to support citizens from other EU Member States, whose position in criminal proceedings is mostly equal to that of Austrian citizens,

and its commitment to government support as provided for in the Cp. 1.8, transposing Art. 26.1 Counter-Terrorism Directive.

Not only Austrian citizens are eligible to receive support under the Austrian Victims of Crime Act. EU citizens and citizens of the European Economic Area are supported in the same way as Austrian citizens.

#### 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 minimum scope:**

- Member States should ensure that the child's best interests are their primary consideration and that 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 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

Under Austrian law, victims of violence who are not of age are deemed to require special protection and therefore enjoy special rights (Sec. 66a para. 1 StPO). From the perspective of victimology and victim protection, children and adolescents are particularly vulnerable victims. Children may be affected by terrorist attacks in different ways.

- by direct exposure if they have been victims of the attack or present at the place of the attack,
- by indirect exposure (“interpersonal exposure”) by losing a relative,
- by media exposure or
- by exposure to a social climate of fear, threat and tension (“second-hand terrorism”).

Austrian law considers that not only young children are particularly vulnerable, adolescents may be severely affected, e.g. all the more because they can cognitively comprehend the threat to which their parents were exposed, or because they can comprehend the intentions and/or effects of the attack. Furthermore, in Austria, directly witnessing a terrorist attack and being indirectly affected by losing loved ones are thought to increase the risk of developing mental disorders.

In Austria, practitioners are of the opinion that children and adolescents with poor social support, a history of psychopathology, emotional and social crises, or who have experienced previous losses, and children

of a shy and fearful nature are especially at risk. Even infants and toddlers may suffer traumatic stress because those around them are personally affected. Therefore, when mothers or fathers of young children become victims of a terrorist attack, manifestations of symptoms in children must be anticipated. Incidentally, this also applies to children of persons who were exposed to terrorist attacks as members of disaster relief forces.

Children and adolescents who have become indirect or direct victims of a terrorist attack need support, which specifically meets their unique developmental needs, to ensure that their burden can be analysed adequately in the developmental context.

Pursuant to Sec. 66a para. 1 No. 3 StPO victims who are not of age are particularly vulnerable. Sec. 74 para. 1 No. 3 StGB defines all victims who are not of age as those who have not attained the age of 18.

Persons who are not of age (minors), i.e. who have not attained the age of 18 yet, are deemed particularly vulnerable and many of their rights are embodied separately in Sec. 66a StPO.

If legal proceedings are instituted after a terrorist attack, specialised court assistance will be of importance to spare victims who are not of age further exposure to the stressful or traumatic event, when possible. This applies especially as legal proceedings usually take place when the child’s process of coping with the event has already begun, which might be set back by more questionings or new exposure to the incident.

For further explanations and reading material please see the Annex.

### Further reading:



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

## 3. ORGANISING SUPPORT IN AUSTRIA

### 3.1 PREPARATION AND ORGANISATION OF THE SUPPORT FOR VICTIMS OF TERRORIST ATTACKS WHEN THE TERRORIST ATTACK OCCURS IN AUSTRIA

#### 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 for victims of terrorist attacks:**

- Organise training on how to interact with victims and on victims' needs 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 experience in terrorist attacks and some Member States have not yet developed protocols for the establishment of a specific response network. Where such a 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 AUSTRIA

##### Emergency phase

As described above (see Member State crisis response structure), in the case of a crisis or disaster there is an increased need for coordination, which in Austria is met by the National Crisis and Disaster Management (SKKM). In the case of a terrorist attack,

in addition to the aforementioned players, the Federal Agency for State Protection and Counter Terrorism (BVT) and, depending on the state in which the terrorist attack occurred, the State Agency for State Protection and Counter Terrorism (LVT) belonging to the relevant State Police Headquarters (LPD) will be involved in the special situation and the special process organisation (BAO) to be set up thereafter. An LVT is mainly in charge of warding off danger and carrying out extended threat research in the case of subversive processes in the area of extremism; ordering police stations to monitor gatherings. They are also responsible for the security of persons and property protection.

The BVT is an integrated part of the Federal Ministry of the Interior (BMI) and protects constitutional organisations of the Republic of Austria and their capacity to act. The core tasks of the BVT include combatting extremist and terrorist phenomena, espionage, international arms trafficking and organised crime in those areas. They are also in charge of the protection of critical infrastructure, cybersecurity, assessment of situations and threats, and they control and coordinate measures to protect persons and property. The BVT has a 24/7 unit as well (Point of Contact, PoC), which closely works with the 24/7 unit (Single Point of Contact (SPoC) at the Operations and Coordination Center. The SPoC at the EKC and the PoC at the BVT serve as points of contact and ensure contact with the authorities involved, but do not provide victim support.

In the case of a terrorist attack, status information to the public and assistance to victims, their relatives and victims' representatives, will be provided via the Austrian police emergency number 133 and, in the case it has been activated, via the Call Center at the EKC and/or (in the state of Vienna) via an Information and Support Center (IBZ). Victims, their relatives

and victims' representatives may also call the victim emergency helpline (see Member State crisis response structure).

In the case of a terrorist attack, the on-site investigative and coordination work is done by the police forces of the relevant LPD and the relevant LVT, who cooperate with other emergency services (ambulance service, fire brigade, hospitals, crisis coordination centres, etc.).

## Medium and long-term support

For medium and long-term support of victims, their relatives and victims' representatives the victim emergency helpline is the point of contact that will refer callers to appropriate general and specialised victim support services and/or other organisations for necessary follow-up support. Follow-up support offered in Austria meets the requirements of Art. 24 to 26 of Directive (EU) 2017/541 on combating terrorism and is available to victims of terrorist attacks for as long as this is necessary after a terrorist attack. In this connection, special reference is made to the institution of psychosocial and legal court assistance, which is also available to victims of terrorist attacks (see 3.4 and Annex).

Crisis response is continued by the support to which victims are entitled under the Austrian Victims of Crime Act [Verbrechensopfergesetz/VOG] and which are granted by the Social Ministry Service [Sozialministeriumservice] upon the victim's application. Victim support organisations, in particular Weisser Ring, assist with the application.

To ensure victims' rights are met, training

for judges is performed at the regional and first instance courts, prosecution offices, penitentiaries, lawyers' and notary's offices, and victim protection care centres, for a minimum of two weeks.

## Preparation and organisation of the support for victims of terrorist attacks when the terrorist attack occurs in a different Member State

In Austria, the rules for jurisdiction with regard to terrorist offences are governed by Sec. 62 et seqq. StGB. Following the general territoriality principle, all offences committed on Austrian territory are punishable under Austrian law. Committing an offence on Austrian territory means that either the act has – or should have – taken place there, or that a result corresponding to the constituting elements of the offence has fully or partly ensued on Austrian territory or should have occurred there according to the definition of the offence. Thus, no differentiation is made between foreign or national victims, if the terrorist attack is committed on Austrian territory.

Specific rules for jurisdiction are in force for offences committed on board Austrian ships or aircraft (Sec. 63 CC) and for – inter alia – terrorism related offences in a foreign country that are punishable irrespective of the laws of the place where they occurred (Sec. 64 CC). In this context, more concretely, Sec. 64 para. 1 subpara. 9 CC (terrorism offences and terrorism-related offences) is of the utmost importance, transposing Art. 19 Victims' Rights Directive into national law.

## 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 minimum requirements for the organisation of support for victims of terrorist attacks:**

- The availability of support services immediately following 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 confidential specialist support services in addition to, or as an integrated part of, general victim support services; victim support organisations should be able to call on existing specialised entities providing such care, as necessary;
- Ensure that mechanisms or protocols are in place that allow for the activation of support services for victims of terrorism within the framework of the national emergency-response infrastructure.

### AN OVERVIEW OF RIGHTS IN AUSTRIA

As stated in the section above, through annual contracts with more than 45 victim support services, the Federal Ministry of Justice ensures that victims, especially victims of a terrorist attack, receive comprehensive support in the form of psychosocial and / or legal court assistance from the time the case is reported to the legally binding conclusion of the court proceedings, free of charge, upon request and insofar as this is necessary to preserve the victims' rights. Psychosocial court assistance for the proceedings includes the preparation of the person concerned for the proceedings and for the emotional stress associated with the proceedings as well as accompanying the person concerned to interviews during the investigation proceedings and at trial; legal court assistance for the proceedings includes legal advice and representation by an attorney. According to the law, proof of necessity is undertaken by the victim support services.

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



## **EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES**

In Austria, victims play a significant role in criminal proceedings, and their needs have to be addressed by the investigating and judicial authorities alongside the criminal proceedings (Sec. 10 para. 2 StPO).

According to Sec. 66b para. 1 StPO, victims of terrorism have access to psychological and legal court assistance as far as this is necessary for safeguarding their procedural rights, by taking into account how much they are personally affected.

Additionally, individual vulnerability will be taken into account in line with Sec. 66a StPO, providing for specific rights to especially vulnerable victims of crime, including terrorism.

A list of victim support organizations is published on the webpage of the Federal Ministry of Justice under the link: [www.justiz.gv.at/prozessbegleitung](http://www.justiz.gv.at/prozessbegleitung). There is also an

information folder that can be accessed via this link, informing victims, in 16 languages, of the psychosocial and legal court assistance and helping them to find appropriate victim support organizations.

It should be mentioned that in addition to the above-mentioned victim support organizations, the victim emergency helpline (0800 112 112), a one-stop-shop for victims of crime, is accessible 24 hours a day and 365 days a year. It is free of charge and entirely financed by the Federal Ministry of Justice. The Austrian victim emergency helpline is also contactable under the European victim helpline 116 006.

By 2011, the Federal Ministry of Justice had established the Management Center for Victim Support (MZ.O) which, for the justice system, serves as a central co-ordination agency and networking platform for public authorities, organisations and individuals working in the field of victim assistance and victim protection, and aims to facilitate a sustainable exchange of information and experiences (see: <https://www.clc.or.at/en/management-center-victim-support/>)

## 4. EUCVT

In January 2020, the European Commission set up the EU Centre of Expertise for Victims of Terrorism (the EUCVT) 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](#)



## ANNEX 1 - NATIONAL LEGISLATION IN AUSTRIA

- Federal Act from 23 January 1974 on the Acts which are subject to Criminal Sanctions, OJ No 60/1074 as amended (Bundesgesetz vom 23. Jänner 1974 über die mit gerichtlicher Strafe bedrohten Handlungen (Strafgesetzbuch – StGB), BGBl. Nr. 60/1974 idgF [StGB].
- Criminal Procedure Code, OJ No 631/1975 as amended (Strafprozeßordnung 1975 (StPO), BGBl. Nr. 631/1975 idgF [StPO]
- Federal Act on the Organisation of Security Administration and the Exercise of Security Police (Austrian Security Police Act), OJ No 566/1991 as amended (Bundesgesetz über die Organisation der Sicherheitsverwaltung und die Ausübung der Sicherheitspolizei (Sicherheitspolizeigesetz – SPG), BGBl. Nr. 566/1991 idgF [SPG]
- Act on Victims of Crime, OJ No 288/1972 as amended (Verbrechensopfergesetz), BGBl. Nr. 288/1972 idgF [VOG]
- Act of 1 August 1895 on legal proceedings in civil disputes (Code of Civil Procedure – ZPO), OJ No 113/1895 as amended (Gesetz vom 1. August 1895, über das gerichtliche Verfahren in bürgerlichen Rechtsstreitigkeiten (Zivilprozessordnung – ZPO), BGBl. Nr. 113/1895 idgF [ZPO]
- Federal Act from 19 February 1975 on Charges of Witnesses, Experts, Interpreters, Lay judges, OJ No 136/1975 as amended (Bundesgesetz vom 19.2.1975 über die Gebühren der Zeugen und Zeuginnen, Sachverständigen, Dolmetscher und Dolmetscherinnen, Geschworenen, Schöffen und Schöffinnen (Gebührenanspruchsgesetz – GebAG), BGBl. Nr. 136/1975 idgF [GebAG]
- Federal Act on the Status of Judges and Prosecutors and Candidate Judges and Prosecutors, OJ No 305/1961 as amended (Bundesgesetz über das Dienstverhältnis der Richterinnen und Richter, Staatsanwältinnen und Staatsanwälte und Richteramtsanwärterinnen und Richteramtsanwärter (Richter- und Staatsanwaltschafts-dienstgesetz – RStDG), BGBl. Nr. 305/1961 idgF [RStDG]
- Regulation of the Federal Minister of Justice on the Training of Judge Candidates, OJ II No 279/2012 as amended (Verordnung der Bundesministerin für Justiz über die Ausbildung der Richteramtsanwärterinnen und Richteramtsanwärter (Richteramtsanwärterinnen-Ausbildungsverordnung), BGBl. II Nr. 279/2012 idgF [RiAA-AusbVO]
- Federal Act on Health and Nursing Professions, OJ No 108/1997 as amended (Bundesgesetz über Gesundheits- und Krankenpflegeberufe (Gesundheits- und Krankenpflegegesetz – GuKG), BGBl. I Nr. 108/1997 idgF [GuKG]

## ANNEX 2 – PRACTICAL INFORMATION AND FURTHER NATIONAL GOOD PRACTICES SPECIFIC TO AUSTRIA

### 1. RESPECT AND RECOGNITION

Practical Information – National Implementing Measures and Sources of Law transposing EU Law		Advisory Resources - Good Practices and Case Studies
Art. 24.4 Counter-Terrorism Directive	Cp. 3.1	The terrorist attack in Vienna on 2 November 2020 was not classified as a DVI incident. Identification of victims on-site was carried out by the police forces present and victims taken to hospitals were identified by means of the described collection and reporting systems.

### 2. VICTIMS' RIGHTS TO ACCESS INFORMATION

Practical Information – National Implementing Measures and Sources of Law transposing EU Law		Advisory Resources – Good Practices and Case Studies
Art. 3 and 4 Victims' Rights Directive	<p>Sec. 10 para. 2 StPO (Participation of victims)</p> <p>Sec. 70 paras. 1 and 2 StPO (Right to access information)</p> <p>Sec. 66 StPO (Victims' rights)</p> <p>Sec. 68 para. 1 StPO (Inspection of files)</p> <p>Sec. 160 paras. 2 and 3 StPO (Examination procedure)</p>	<p>In Austria, victims' rights, interests, and special needs for protection must be taken into account as appropriate. Victims must be informed of their material rights in the proceedings and of the options to receive compensation and assistance: this is the responsibility of the criminal police, the public prosecutors and the court and is an important principle of Austrian criminal procedure law. Victims must be informed in a way they will be able to understand. Here we always talk about the "right to understand and be understood".</p> <p>In practice, information will be given by criminal police officers. They usually handle this in a satisfactory manner. Since victims of crime are entitled to psychosocial and legal court assistance, immediate and comprehensive information is</p>

	<b>Practical Information – National Implementing Measures and Sources of Law transposing EU Law</b>	<b>Advisory Resources – Good Practices and Case Studies</b>
<b>Art. 3 and 4 Victims' Rights Directive</b>	<p>Sec. 10 para. 2 StPO (Participation of victims)</p> <p>Sec. 70 paras. 1 and 2 StPO (Right to access information)</p> <p>Sec. 66 StPO (Victims' rights)</p> <p>Sec. 68 para. 1 StPO (Inspection of files)</p> <p>Sec. 160 paras. 2 and 3 StPO (Examination procedure)</p>	<p>normally ensured. Legal court assistance is a positive means of keeping victims informed on the status of the proceedings. In this connection, however, it is important for victims to have knowledge of this legal institution. This is another aspect of victim's right to access information. Practice has shown that the right to access information can be effectively implemented when victims have made use of legal and psychosocial court assistance.</p> <p>The right of victims' of terrorist offences to inspect files and the right to an interpreter are material institutions to ensure the right to access information.</p>
<b>Art. 3 and 4 Victims' Rights Directive</b>	<p>Sec. 10 para. 2 StPO (Participation of victims)</p> <p>Sec. 70 paras. 1 and 2 StPO (Right to access information)</p> <p>Sec. 66 StPO (Victims' rights)</p> <p>Sec. 68 para. 1 StPO (Inspection of files)</p> <p>Sec. 160 paras. 2 and 3 StPO (Examination procedure)</p>	<p>Austria has numerous general and specialised victim support organisations committed to helping and supporting victims of crime. A material information source for victims, on rights in proceedings and the support and compensation options available to them, is the victims' helpline 0800 112 112 operated by the victim support organisation Weisser Ring on the initiative of the Austrian Federal Ministry of Justice (BMJ). The website <a href="http://www.opfer-notruf.at">www.opfer-notruf.at</a> offers relevant online information. Thanks to the victims' helpline, information is available in Austria 24/7. Victims are given information on all relevant issues and are provided with contact details of specialised victim support and/or other relevant organisations.</p> <p>Information must be given in compliance with Austrian law and, above all, by the criminal police, public prosecutors' offices or the courts. On the one hand, this is done directly by the investigating officers and/or officers of the prosecution authorities acting in the proceedings.</p> <p>On the other hand, the judicial authorities offer advice during public office hours. On specified days, during pre-determined times, statements of claims, petitions and statements may be made orally by victims. Such appointments serve to give victims information and instructions on statutory provisions and current legislation.</p> <p>General legal information is provided by lawyers in the course of their "initial legal advice", a service offered by the Austrian bar associations.</p> <p>With regard to the question of whether compensation or damages may be obtained, we would like to refer to the Austrian Victims of Crime Act [VOG]. Under the Act, victims may be granted substantial compensation payments. Information in this respect is provided by the Social Ministry Service (<a href="http://www.sozialministeriumservice.at">www.sozialministeriumservice.at</a>).</p> <p>Car-ramming attack in Graz on 20 June 2015. On 25 June, the police submitted an initial list of victims and witnesses; it included victims who were injured,</p>

	<b>Practical Information – National Implementing Measures and Sources of Law transposing EU Law</b>	<b>Advisory Resources – Good Practices and Case Studies</b>
<b>Art. 3 and 4 Victims' Rights Directive</b>	<p>Sec. 10 para. 2 StPO (Participation of victims)</p> <p>Sec. 70 paras. 1 and 2 StPO (Right to access information)</p> <p>Sec. 66 StPO (Victims' rights)</p> <p>Sec. 68 para. 1 StPO (Inspection of files)</p> <p>Sec. 160 paras. 2 and 3 StPO (Examination procedure)</p>	<p>victims who were not harmed but vulnerable, and persons who had suffered property damage. From that point in time, the Safeguarding Centre Styria pro-actively contacted those on the list of victims, which was constantly updated by the police, by phone (where necessary with the assistance of interpreters) and in writing (where necessary in their native language) and support was offered with the following priorities: making appointments with psychotherapists; assistance with clarification regarding payment of costs; providing legal information, including on the Austrian Victims of Crime Act (VOG); offering psychosocial and legal court assistance and providing related information; granting court assistance; referring victims to the Victims' Lawyer retained by the Safeguarding Centre Styria for court assistance, who offers victims free advice regarding their insurance claims. At the Safeguarding Centre Styria, a total of 150 victims and affected persons were granted support and 56 victims were granted court assistance in the criminal proceedings.</p> <p>Car-ramming attack in Graz on 20 June 2015. On 30 June 2015, a website was set up by the Victims' Lawyer retained by the Safeguarding Centre Styria to provide information for those involved in the criminal proceedings. Clients were given a password to access the website. The objective of this website, which was set up in close cooperation with the Safeguarding Centre Styria, was to provide daily up-to-date information on the criminal proceedings. Clients were assured that only general information would be offered on the website and that in compliance with the obligation to maintain confidentiality no personal data would be published. They were also told that the website was not open to the public but intended to grant victims speedy straightforward access to as much information as possible. Users were asked to not to disclose the website's password because the website contained information on the criminal proceedings against the perpetrator: this lasted from 1 July 2015 until 27 June 2017 (inclusive), the day on which the judgment became non-appealable/final.</p>

### 3. VICTIMS' RIGHTS TO ACCESS SUPPORT SERVICES

	<b>Practical Information – National Implementing Measures and Sources of Law transposing EU Law</b>	<b>Advisory Resources – Good Practices and Case Studies</b>
<b>Art. 8 Victims Rights Directive</b>	<p>Sec. 66 StPO (Court assistance)</p> <p>Sec. 25 para. 3 SPG (Advice by the security police)</p> <p>Sec. 14c VOG (Funding of projects for victims of crime)</p>	<p>In Austria an important tool for implementing the victims' right of access to victim support services is the establishment and funding of general and specialised victim support organisations.</p> <p>Funding is provided by the government, while the Federal Ministry of Justice (BMJ) commissions suitable victim support organisations to give psychosocial and legal court assistance. This is the legal institution which best ensures that the necessary support and assistance is provided to victims of terrorist offence.</p> <p>In Austria, the victim support organisation Weisser Ring is accessible to all victims of crime, i.e. including terrorist offences, as a general victim support organisation. In addition, there are several specialised victim support organisations. Free simple access to victim support services is guaranteed by the victims emergency helpline (0800 112 112) operated by Weisser Ring, on behalf of the Federal Ministry of Justice. Victims get appropriate assistance on a confidential basis, anonymously if they wish, and can be referred to specific victim support organisations as necessary.</p> <p>From a practical point of view, in terms of help and support for victims of terrorist offences, it is important to record victims' data so that the victims and/or their family members can be contacted directly by the relevant victim support organisation in charge.</p>

	Practical Information – National Implementing Measures and Sources of Law transposing EU Law	Advisory Resources – Good Practices and Case Studies
<b>Art. 9 Victims Rights Directive</b>	<p>Sec. 66 StPO (Court assistance)</p> <p>Sec. 25 para. 3 SPG (Advice by the security police)</p> <p>Sec. 14c VOG (Funding of projects for victims of crime)</p>	<p>Victim support organisations must provide a broad range of different services, including informing, advising and supporting victims with respect to their rights in proceedings and their options to receive compensation or damages. This also includes preparing victims for their participation in the proceedings.</p> <p>In addition, victim support organisations are responsible for ensuring that victims will be given emotional and psychological help and advised in financial and economic matters.</p> <p>Here again, victims' rights to psychosocial and legal court assistance can be mentioned as an example of good practice. Psychosocial court assistance ensures the emotional and psychological support of victims. Legal court assistance means optimum advice and representation in legal affairs from a lawyer. The combination of psychosocial and legal court assistance guarantees access to victim support in an optimal manner; victims are empowered and prepared for their participation in the proceedings.</p> <p>Car-ramming attack in Graz on 20 June 2015. As early as 20 June 2015 itself, the Safeguarding Centre Styria was able to offer the State Office of Criminal Investigations (LKA) with support for the victims of the attack after the immediate crisis intervention. In this connection, the Safeguarding Centre Styria repeatedly emphasised that they needed the victims' and witnesses' data to be able to pro-actively offer support. In the afternoon on that day, the Safeguarding Centre Styria publicly offered support in a press interview; over the weekend the offer of the Safeguarding Centre Styria was constantly repeated via the media.</p>

#### 4. VICTIMS' RIGHT TO ACCESS TO JUSTICE

	Practical Information – National Implementing Measures and Sources of Law transposing EU Law	Advisory Resources – Good Practices and Case Studies
<b>Art. 10 Victims' Rights Directive</b>	<p>Sec. 10 StPO (Participation of victims)</p> <p>Sec. 66 StPO (Victims' rights)</p> <p>Sec. 66b StPO (Court assistance)</p> <p>Sec. 67 StPO (Joining proceedings as a civil claimant)</p> <p>Sec. 68 StPO (Inspection of files)</p>	<p>Victims of terrorist offences have extensive rights to actively participate in criminal proceedings. In Austria, they take the role of a party to the proceedings. However, participation in proceedings is obviously only possible if they are granted the right to be heard and are able to exercise rights to participate, ask questions, and petition that evidence be taken.</p> <p>The right to be heard has been well</p>

	<b>Practical Information – National Implementing Measures and Sources of Law transposing EU Law</b>	<b>Advisory Resources – Good Practices and Case Studies</b>
<b>Art. 10 Victims' Rights Directive</b>	<p>Sec. 10 StPO (Participation of victims)</p> <p>Sec. 66 StPO (Victims' rights)</p> <p>Sec. 66b StPO (Court assistance)</p> <p>Sec. 67 StPO (Joining proceedings as a civil claimant)</p> <p>Sec. 68 StPO (Inspection of files)</p>	<p>implemented and victims have the right to be represented in proceedings, to inspect the file, to obtain information, to ask defendants and witnesses questions, to comment on their claims, to file petitions for the taking of evidence, and to explain their point of view in the proceedings.</p>
<b>Art. 13 Victims' Rights Directive</b>	<p>Sec. 63 ZPO (Legal aid)</p> <p>Sec. 66b StPO (Court assistance)</p> <p>Sec. 67 para. 7 StPO (Joining proceedings as a civil claimant)</p> <p>Sec. 380 StPO (Costs of the criminal proceedings)</p>	<p>The victims' right to be heard and the right to participate in the proceedings will directly depend on whether victims have the financial means to participate in the proceedings. This is an important aspect of 'access' to the law.</p> <p>Psychosocial and legal court assistance can be mentioned again as an example of good practice. Such assistance is available to victims of terrorist offences free of charge, if this is necessary for safeguarding their procedural rights with regard to their personal affliction. Legal and psychosocial assistance in proceedings ensures a tolerable climate for victims during the proceedings and warrants compliance with, and safeguarding of, their rights. Should victims have no right to legal court assistance, legal aid may be granted. However, since victims of terrorist offences have the right to legal court assistance this is mentioned for the sake of completeness only.</p> <p>Austria also offers legal aid for victims in civil proceedings when victims are not able to retain a lawyer at their own cost or to bear the court fees themselves for financial reasons.</p>
<b>Art. 14 Victims' Rights Directive</b>	<p>Sec. 3 GebAG (fee amount)</p>	<p>In addition, victims in Austria are usually entitled to payments under the GebAG as well (e.g. travel expenses), if they attend official hearings as witnesses or have to participate in the same. These rights also facilitate access to the law for victims of terrorist offences, in terms of financial means.</p>
<b>Art. 26.6 Counter-Terrorism Directive</b>	<p>Cp. 1.4, remarks to Art. 10, 13 and 14 Victims' Rights Directive</p>	<p>Cp. 1.4, remarks to Art. 10, 13 and 14 Victims' Rights Directive</p>

## 5. VICTIMS' RIGHT TO PROTECTION: PHYSICAL AND PRIVACY

Practical Information – National Implementing Measures and Sources of Law transposing EU Law		Advisory Resources – Good Practices and Case Studies
<b>Art. 21 Victims' Rights Directive</b>	<p>Sec. 10 para. 3 StPO (Participation of victims)</p> <p>Sec. 51 para.2 StPO (Inspection of files)</p> <p>Sec. 54 StPO (No publicity)</p> <p>Sec. 161 para. 3 StPO (Examination process - questioning)</p> <p>Sec. 162 StPO (Anonymous evidence)</p> <p>Sec. 228 to 230a StPO (Publicity of trial)</p>	<p>The victims' right to protection of privacy is becoming ever more important. While such protection can easily be ensured during preliminary investigations, trials are open to the public (Art. 6 ECHR). Here, by offering the opportunity to exclude members of the public from the trial, the Austrian Code of Criminal Procedure provides an instrument to adequately ensure both the protection of victims' privacy and the principle of publicity.</p>
Practical Information – National Implementing Measures and Sources of Law transposing EU Law		Advisory Resources – Good Practices and Case Studies
<b>Art. 18 Victims' Rights Directive</b>	<p>Sec. 10 para. 3 StPO (Participation of victims)</p> <p>Sec. 66a paras. 1 and 2 StPO (Particular vulnerability of victims)</p> <p>Sec. 66b StPO (Court assistance)</p> <p>Sec. 78 para. 3 StPO (Duty to report)</p> <p>Sec. 162 StPO (Anonymous evidence)</p> <p>Sec. 165 para. 3 StPO (Adversarial examination of the defendant or a witness – considerate examination)</p> <p>Sec. 25 para. 3 SPG (Advice by the security police)</p> <p>Sec. 38a SPG (Restraining orders as a safeguarding measure)</p>	<p>From experience, victim support organisations understand that victims of crime are anxious about having to face offenders during criminal proceedings. Statutory requirements in Austria ensure that such a confrontation can be avoided in most cases.</p> <p>Contact with the perpetrator may also be prevented by separate examination of victims in criminal proceedings. Austrian courts usually have suitable rooms and technical equipment in place for this purpose. From a practical point of view it is important to inform the court in charge as early as possible of the victim's wish to be examined separately, so that rooms can be reserved accordingly.</p>
<b>Art. 18 Victims' Rights Directive</b>	<p>Sec. 5 para. 1 StPO (Lawfulness and proportionality)</p> <p>Sec. 66a paras. 1 and 2 StPO (Particular vulnerability of victims)</p> <p>Sec. 66b StPO (Court assistance)</p> <p>Sec. 73 StPO (Representative)</p> <p>Sec. 123 paras. 3 and 4 StPO (Physical examination)</p> <p>Sec. 156 StPO (Exemption from giving</p>	<p>Apart from the principal provision of the aforementioned Sec. 10 StPO, the Austrian Code of Criminal Procedure contains a number of provisions aimed at the protection and considerate treatment of victims during ongoing investigations and legal proceedings. In this connection, first of all, according to the statutory provisions any investigative actions chosen by the criminal police, public prosecutors and the courts must avoid compromising the rights of affected persons as much as possible.</p>



	<b>Practical Information – National Implementing Measures and Sources of Law transposing EU Law</b>	<b>Advisory Resources – Good Practices and Case Studies</b>
<b>Art. 20 Victims' Rights Directive</b>	<p>evidence)</p> <p>Sec. 158 StPO (Refusal to testify)</p> <p>Sec. 160 para. 2 StPO (Examination process - confidant)</p> <p>Sec. 161 para. 3 StPO (Examination process - questioning)</p> <p>Sec. 165 para. 3 StPO (Adversarial examination of the defendant or a witness - considerate examination)</p>	<p>Moreover, the avoidance of unnecessary attention and safeguarding the dignity, rights and legitimate interests of the persons concerned must be ensured at all times.</p> <p>In view of the fact that interviews may be particularly stressful for victims, the victim's right to be represented must be emphasised. Victims of terrorist offences are usually entitled to legal and psychosocial court assistance. While legal court assistance ensures that victims can exercise their rights, psychosocial court assistance contributes to reinforcing the mental constitution and emotional strength of victims.</p> <p>Austria sets a good example in connection with the physical examination of persons preventing secondary victimisation. Victims cannot be forced to undergo such an examination (Sec. 123 in conjunction with Sec. 121 para. 1 StPO).</p>
<b>Art. 22 Victims' Rights Directive</b>	<p>Sec. 66a paras. 1 and 2 StPO (Particular vulnerability of victims)</p>	<p>In Austria, the specific vulnerability of victims must be assessed and ascertained as soon as possible. The assessment must consider the victim's age, mental and physical health, and the nature and circumstances of the offence. Among others, victims of sexual violence or domestic violence and victims, who are not of age, require special protection in any case. Victims of terrorist offences may also be considered particularly vulnerable victims as defined in Section 66a of the Austrian Code of Criminal Procedure [StPO], which will usually be the case in view of the type and specific circumstances of such offences.</p>
<b>Art. 23 Victims' Rights Directive</b>	<p>Sec. 66a paras. 1 and 2 StPO (Particular vulnerability of victims)</p> <p>Sec. 165 para. 3 StPO (Adversarial examination of the defendant or a witness - considerate examination)</p>	<p>Considerate adversarial examination constitutes an important instrument for preventing secondary victimisation and for designing the criminal proceedings to cause as little stress to the victims as possible. Since technical know-how and equipment is required for that purpose, such examinations must be prepared for early in advance.</p>
<b>Art.25 Counter-Terrorism Directive</b>	<p>Cp. 1.5, remarks to Art. 18, 20, 22 and 23 Victims' Rights Directive</p>	<p>Cp. 1.5, remarks to Art. 18, 20, 22 and 23 Victims' Rights Directive</p>

## 6. VICTIMS' RIGHT TO PROTECTION – SECONDARY VICTIMISATION

Practical Information – National Implementing Measures and Sources of Law transposing EU Law		Advisory Resources – Good Practices and Case Studies
<b>Art. 9 para. 1 subpara. e Victims' Rights Directive</b>	Sec. 66b StPO (Court assistance)	According to Sec. 66b para. 1 StPO, victims of terrorism, specifically, have access to psychological and legal court assistance as far as this is necessary for safeguarding their procedural rights as victims by taking into account how much they are personally affected.
<b>Art. 18 Victims' Rights Directive</b>	<p>Sec. 10 para. 3 StPO (Participation of victims)</p> <p>Sec. 66a paras. 1 and 2 StPO (Particular vulnerability of victims)</p> <p>Sec. 66b StPO (Court assistance)</p> <p>Sec. 78 para. 3 StPO (Duty to report)</p> <p>Sec. 162 StPO (Anonymous evidence)</p> <p>Sec. 165 para. 3 StPO (Adversarial examination of the defendant or a witness - considerate examination)</p> <p>Sec. 25 para. 3 SPG (Advice by the security police)</p> <p>Sec. 38a SPG (Restraining orders as a safeguarding measure)</p>	<p>From experience, victim support organisations demonstrate that victims of crime are anxious about having to face offenders during criminal proceedings. Statutory requirements in Austria ensure that such a confrontation can be avoided in most cases.</p> <p>Contact with the perpetrator may also be prevented by separate examination of victims in criminal proceedings. Austrian courts usually have suitable rooms and technical equipment in place for this purpose. From a practical point of view it is important to inform the court in charge as soon as possible of the victim's wish to be examined separately so that rooms can be reserved accordingly.</p>
<b>Art. 22 Victims' Rights Directive</b>	Sec. 66a paras. 1 and 2 StPO (Particular vulnerability of victims)	In Austria, the specific vulnerability of victims must be assessed and ascertained as early as possible. The assessment must consider their age, mental and physical health and the nature and circumstances of the offence. Among others, victims of sexual violence or domestic violence and victims, who are not of age, require special protection in any case. Victims of terrorist offences may also be considered particularly vulnerable victims as defined in Section 66a of the Austrian Code of Criminal Procedure [StPO], which will usually be the case in view of the type and specific circumstances of such offences.

## 7. VICTIMS' RIGHTS TO ACCESS TO COMPENSATION

	Practical Information – National Implementing Measures and Sources of Law transposing EU Law	Advisory Resources – Good Practices and Case Studies
Art. 4 para. 1 subpara. e Victims' Rights Directive	<p>Sec. 67 para. 1 StPO (Joining proceedings as a civil claimant)</p> <p>Sec. 70 para. 1 StPO (Right to information)</p>	Cp. 1.2, remarks to Art. 3 and 4 Victims' Rights Directive
Art. 9 para. 1 subpara. a Victims' Rights Directive	<p>Sec. 66b StPO (Court assistance)</p>	<p>According to Sec. 66b para. 1 StPO, victims of terrorism, specifically, have access to psychological and legal court assistance as far as this is necessary for safeguarding their procedural rights as victims by taking into account how much they are personally affected.</p>
Art. 16 Victims' Rights Directive	<p>Sec. 67 para. 1 StPO (Joining proceedings as a civil claimant)</p> <p>Sec. 366 para. 2 StPO (Proceedings regarding private-law claims)</p>	<p>The regulations regarding claims by victims of crime may sometimes be quite complex. They range from a claim for restitution of stolen property (Art. 15 Victims' Rights Directive) via damages up to compensation for pain and suffering or loss of earnings. Victims may also claim for medical expenses or compensation for disfigurement. Surviving dependants of victims may claim for maintenance payments. All of those legal claims may normally only be pursued successfully with professional help. Legal court assistance can be mentioned here as an example of good practice. Providing victims with lawyers ensures in the best possible way that claims can be calculated accurately and contended effectively.</p> <p>Another example of good practice of Austrian criminal procedure law is compensation for pain and suffering. This is calculated on the basis of the period of pain and suffering according to the benchmark that the entitlement for one day of severe pain and suffering amounts to EUR 330, one day of medium pain and suffering is calculated at EUR 220, and one day of light pain and suffering at EUR 110. These periods of pain and suffering are calculated by medical experts. With foresight, in Sec. 67 para. 1 StPO, the legislator requires that experts must calculate the period of pain and suffering, if they are appointed by the public prosecutor or the court to assess bodily injury or harm caused to life and limb.</p>

	<b>Practical Information – National Implementing Measures and Sources of Law transposing EU Law</b>	<b>Advisory Resources – Good Practices and Case Studies</b>
<b>Art. 16 Victims' Rights Directive</b>	<p>Sec. 67 para. 1 StPO (Joining proceedings as a civil claimant)</p> <p>Sec. 366 para. 2 StPO (Proceedings regarding private-law claims)</p>	<p>If a victim has been awarded compensation by court, he or she may petition for an advance on the compensation pursuant to Section 373a StPO. The advance will depend on several requirements that need to be fulfilled. Among others, a conviction by a criminal court is required and the prison sentence or fine must be the reason why victims are not paid the compensation by the convicted criminals.</p> <p>Car-ramming attack in Graz on 20 June 2015. The City of Graz set up a Victim Support Fund for the victims of the attack. The City of Graz informed the Safeguarding Centre in Graz about the fund, the information was then distributed to the Safeguarding Centre Styria advisors who then told the victims and those affected. Persons affected by the attack were able to file their application for financial support with a brief personal statement to the Directorate of the Municipality. The Victim Support Fund was available for over two years.</p>
<b>Art. 12 Victims' Rights Directive</b>	Austrian Victims of Crime Act (VOG)	Persons who have become victims of a crime may be entitled to health care (e.g. psychotherapy, benefits in kind). They may be entitled to a lump-sum payment for pain and suffering between EUR 2,000 and EUR 12,000 and, under certain circumstances, to compensation for loss of earnings. In addition, expenses, such as funeral costs, may be reimbursed.
<b>Art. 24.3.c Counter-Terrorism Directive</b>	Cp. 1.8, remarks to Art. 4 para. 1 subpara. e, Art. 9 para. 1 subpara. a and Art. 16 Victims' Rights Directive as well as remarks to Art. 12 Compensation Directive	Cp. 1.8, remarks to Art. 4 para. 1 subpara. e, Art. 9 para. 1 subpara. a and Art. 16 Victims' Rights Directive as well as remarks to Art. 12 Compensation Directive.
<b>Art. 26.1 Counter-Terrorism Directive</b>	Sec. 70 para. 1 StPO (Right to information)	Sec. 70 StPO provides for the right to information of victims of crime, regardless of whether they are resident in Austria or in another Member State. Thus, victims of terrorism, who are residents of a Member State other than that where the terrorist offence was committed, are provided access to information.

## 8. CROSS-BORDER VICTIMS

	<b>Practical Information – National Implementing Measures and Sources of Law transposing EU Law</b>	<b>Advisory Resources – Good Practices and Case Studies</b>
<b>Art. 17 Victims' Rights Directive</b>	<p>Sec. 9 para. 1 StPO (Duty to quickly conduct proceedings)</p> <p>Sec. 165 para. 1 StPO (Adversarial examination of the defendant or a witness - audio or video recordings)</p> <p>Sec. 247a StPO (Evidence-taking - examination by means of technical equipment for audio and video transmission)</p> <p>Sec. 25 paras. 1 and 7 StPO (Local jurisdiction)</p> <p>Sec. 80 para 1 StPO (Duty to report)</p> <p>Sec. 64 para. 1 No. 9 StGB (Offences committed abroad which are punishable irrespective of the laws applicable to the place where the offence is committed - terrorist offences and offences related to terrorism)</p>	<p>With respect to victims' rights, Austria has impressively implemented its commitment to support citizens from other EU Member States. Their position in criminal proceedings is almost equal to that of Austrian citizens even with regard to government support.</p>
<b>Art. 26.1 Counter-Terrorism Directive</b>	Cp. 1.8, remarks to Art. 26.1 Counter-Terrorism Directive	Cp. 1.8, remarks to Art. 26.1 Counter-Terrorism Directive
<b>Art. 26.2 Counter-Terrorism Directive</b>	Sec. 1 VOG (Eligibility)	Not only Austrian citizens are eligible to receive support under the Austrian Victims of Crime Act. EU citizens and citizens of Contracting Parties of the Convention on the European Economic Area must be supported in the same way as Austrian citizens.

## 9. CHILD VICTIMS

	<b>Practical Information – National Implementing Measures and Sources of Law transposing EU Law</b>	<b>Advisory Resources – Good Practices and Case Studies</b>
<b>Art. 1 para. 2 Victims' Rights Directive</b>	<p>Sec. 66a para. 1 and 2 StPO (Particular vulnerability of victims)</p> <p>Sec. 73 StPO (Representative)</p>	<p>Pursuant to Sec. 66a para. 1 No. 3 StPO, victims who are not of age are particularly vulnerable. Sec. 74 para. 1 No. 3 StGB defines all victims who are not of age as those who have not attained the age of 18.</p>

Practical Information – National Implementing Measures and Sources of Law transposing EU Law		Advisory Resources – Good Practices and Case Studies
<b>Art. 21 para. 1 Victims' Rights Directive</b>	Cp. 1.7, remarks to Art. 21 Victims' Rights Directive	Cp. 1.7, remarks to Art. 21 Victims' Rights Directive
<b>Art. 22 para. 4 Victims' Rights Directive</b>	Sec. 66a para. 1 and 2 StPO (Particular vulnerability of victims)	Persons who are not of age (minors), i.e. who have not yet attained the age of 18, are deemed particularly vulnerable and many of their rights are embodied separately in Sec. 66a StPO.
<b>Art. 24 Victims' Rights Directive</b>	Sec. 66a paras. 1, 2 and 3 StPO (Particular vulnerability of victims) Sec. 66b StPO (Court assistance) Sec. 165 paras. 3 and 4 StPO (Adversarial examination of the defendant or a witness – considerate examination)	If legal proceedings are instituted after a terrorist attack, specialised court assistance will be of importance, where possible, in sparing victims who are not of age further exposure to the stressful or traumatic event. This is especially notable as legal proceedings usually take place after the child has started the process of coping with the event, which might be set back by more questions or new exposure to the incident.

## 10. ORGANISING SUPPORT FOR VICTIMS OF TERRORISM IN AUSTRIA- THE NATIONAL PERSPECTIVE

Practical Information – National Implementing Measures and Sources of Law transposing EU Law		Advisory Resources – Good Practices and Case Studies
<b>Art. 25.1 to 25.5 Victims' Rights Directive</b>	Sec. 9 para. 2 RStDG (Training of trainee judges - duration and organisation of training service) Sec. 2 RiAA-AusbVO (Compulsory training stations) Administration Agreement concluded by the Federal Ministry of Justice, the (former) Federal Ministry of Health and Women's Affairs and the (former) Federal Ministry of Families and Youth (now Federal Chancellery)	The training service for judge-candidates shall be performed at the regional court, court of first instance, at a prosecution office, at an institution for the enforcement of an imprisonment sentence of a preventative measure, at a lawyer or a notary's office, or at the state advocacy as well as at a victim protection or care centre. The training service shall be carried out at the victim protection or care centre for the duration of a minimum of two weeks.  In Austria, in the daily practical handling of cases by the victim support organisations, a differentiation is made between three types of victims: (i) 'children and young persons', (ii) 'women as victims of male violence and of human trafficking', and (iii) 'victims of situational violence'. Psychosocial court assistants, as a rule and quality

	<b>Practical Information – National Implementing Measures and Sources of Law transposing EU Law</b>	<b>Advisory Resources – Good Practices and Case Studies</b>
<b>Art. 25.1 to 25.5 Victims' Rights Directive</b>	<p>Sec. 9 para. 2 RStDG (Training of trainee judges - duration and organisation of training service)</p> <p>Sec. 2 RiAA-AusbVO (Compulsory training stations)</p> <p>Administration Agreement concluded by the Federal Ministry of Justice, the (former) Federal Ministry of Health and Women's Affairs and the (former) Federal Ministry of Families and Youth (now Federal Chancellery)</p>	<p>criterion, must be 'institutionally integrated' in a victim support organisation, thus, no freelance or self-employed psychosocial court assistance may be offered. In order to become a psychosocial court assistant, a person must have adequate professional qualifications (psychologist, sociologist, psychotherapist, etc.) and must pass the nine-day compulsory training course on one of the aforementioned types of victims. In addition, on-the-job-training at the assistant's victim support organisation must be completed. The Federal Ministry of Justice, in cooperation with the Federal Chancellery, provide the nine-day compulsory training, whilst the victim support organisations organise for the accompanying on-the-job-training of their employees.</p> <p>Only lawyers are allowed to offer legal court assistance; the assignment is undertaken by the victim support organisations. The Austrian Bar and the Lawyers' Academy in cooperation with the Federal Ministry of Justice provide a two-day voluntary training for lawyers who are interested in offering legal court assistance.</p> <p>Car-ramming attack in Graz on 20 June 2015. A few days after the attack, the Safeguarding Centre Styria organised a workshop for its staff run by a paediatric psychiatrist and psychotherapist as a refresher course in dealing with traumatised people. Procedures were defined for pro-actively contacting victims, or relatives by phone, and a system was developed for allocating victims and those affected to staff, according to the official list of victims. The question of what groups of people should be contacted was discussed (those affected directly, eyewitnesses, relatives, persons of migrant background, children, worried persons); procedures were developed for cases where individuals could not be reached or who refused to take calls. A letter to those affected was drafted. Phone calls were made, with the assistance of interpreters where necessary; letters were sent in the addressee's native language. During the course of this pro-active procedure all those on the list of victims were contacted by the Safeguarding Centre Styria, either by phone or by letter. Guidelines for a structured</p>

Practical Information – National Implementing Measures and Sources of Law transposing EU Law		Advisory Resources – Good Practices and Case Studies
<b>Art. 25.1 to 25.5 Victims' Rights Directive</b>	<p>Sec. 9 para. 2 RStDG (Training of trainee judges - duration and organisation of training service)</p> <p>Sec. 2 RiAA-AusbVO (Compulsory training stations)</p> <p>Administration Agreement concluded by the Federal Ministry of Justice, the (former) Federal Ministry of Health and Women's Affairs and the (former) Federal Ministry of Families and Youth (now Federal Chancellery)</p>	<p>conversation were developed and invitations to a meeting at the Safeguarding Centre Styria were sent out. The primary goal was to reach all those affected, not just those from Graz or Styria but also people from Vienna, Germany, etc. and to not lose sight of those who initially did not want or were not able to accept help. In the initial acute phase, quick therapeutical, in some cases also medical, support had to be organised; the faster support is offered and contacts are established, the more effective the results will be.</p>
<b>Art. 24.4 Counter-Terrorism Directive</b>	<p>The operational structures available in the case of crises or disasters of all kinds, i.e. also in the case of terrorist attacks, are warranted by the Austrian National Crisis and Disaster Management (SKKM).</p>	<p>In the case of the terrorist attack in Vienna on 2 November 2020 neither the Call Center at the EKC nor an Information and Support Center (IBZ) had to be activated.</p> <p>In the aftermath of the terrorist attack of 2 November 2020 in Vienna the Social Ministry Service (SMS) pro-actively contacted victims via the social services in hospitals to inform them of the support options available to them.</p>

Practical Information – National Implementing Measures and Sources of Law transposing EU Law		Advisory Resources – Good Practices and Case Studies
<b>Art. 25.1 to 25.5 Victims' Rights Directive</b>	Cp. 31	Cp. 31
<b>Art. 19 Counter-Terrorism Directive</b>	<p>Sec. 64 para. 1 No. 9 StGB (Offences committed abroad which are punishable irrespective of the laws applicable to the place where the offence is committed - terrorist offences and offences related to terrorism)</p>	<p>Austria has chosen not to make use of the options according to Art. 19 para. 1 second subpara. and Art. 19 para. 2 Counter-Terrorism Directive.</p>
<b>Art. 24.4 Counter-Terrorism Directive</b>	Cp. 31	Cp. 31



	<b>Practical Information – National Implementing Measures and Sources of Law transposing EU Law</b>	<b>Advisory Resources – Good Practices and Case Studies</b>
<b>Art. 8.1 to 8.4 Victims' Rights Directive</b>	<p>Sec. 65 No. 1 StPO (Definitions)</p> <p>Sec. 66b StPO (Court assistance)</p> <p>Sec. 70 StPO (Right to access information)</p> <p>Sec. 56 para. 1 SPG (Admissibility of transmission of personal data by the police)</p> <p>Sec. 7 paras. 1 and 2 GuKG (Obligation of health care professionals to report to the criminal police or the public prosecutors' office)</p>	<p>The StPO provides for a broad variety of rights, and a strong support of victims of crime (see especially Sec. 66b StPO) and applies a broad meaning to victims of crime (Sec. 65 StPO).</p>
<b>Art. 24.2 to 24.4 Counter-Terrorism Directive</b>	<p>Sec. 10 para. 2 StPO (Participation of victims)</p> <p>Sec. 65 No. 1 StPO (Definitions)</p> <p>Sec. 66 StPO (Victims' rights)</p> <p>Sec. 66a StPO (Special vulnerability of victims)</p> <p>Sec. 66b StPO (Court assistance)</p> <p>Sec. 67 StPO (Joining proceedings as a civil claimant)</p> <p>Sec. 70 StPO (Right to access information)</p>	<p>In Austria, victims play a significant role in criminal proceedings, and their needs have to be addressed by the investigating and judicial authorities alongside the criminal proceedings (Sec. 10 para. 2 StPO).</p> <p>According to Sec. 66b para. 1 StPO, victims of terrorism specifically have access to psychological and legal court assistance as far as this is necessary for safeguarding their procedural rights as victims by taking into account how much they are personally affected.</p> <p>Additionally, individual vulnerability will be taken into account in line with Sec. 66a StPO, providing for specific rights to especially vulnerable victims of crime.</p> <p>A list of victim support organizations is published on the webpage of the Federal Ministry of Justice under the link: <a href="http://www.justiz.gv.at/prozessbegleitung">www.justiz.gv.at/prozessbegleitung</a></p> <p>There is also an information folder that can be accessed via this link, which informs victims in 16 languages about psychosocial and legal court assistance and helps to find the appropriate victim support organizations for each victim.</p> <p>It should be mentioned that, in addition to the above-mentioned victim support organizations, the victim emergency helpline (0800 112 112), a one-stop-shop for victims of crime, is accessible 24 hours a day, 365 days a year. It is free of charge and entirely financed by the Federal Ministry of Justice. The Austrian victim emergency helpline is also available under the European victim helpline 116 006.</p>

Practical Information – National Implementing Measures and Sources of Law transposing EU Law		Advisory Resources – Good Practices and Case Studies
Art. 24.2 to 24.4 Counter-Terrorism Directive	<p>Sec. 10 para. 2 StPO (Participation of victims)</p> <p>Sec. 65 No. 1 StPO (Definitions)</p> <p>Sec. 66 StPO (Victims' rights)</p> <p>Sec. 66a StPO (Special vulnerability of victims)</p> <p>Sec. 66b StPO (Court assistance)</p> <p>Sec. 67 StPO (Joining proceedings as a civil claimant)</p> <p>Sec. 70 StPO (Right to access information)</p>	<p>In 2011, the Federal Ministry of Justice established the Management Center for Victim Support (MZ.O) which, for the justice system, serves as a central co-ordination agency and networking platform for public authorities, organisations and individuals working in the field of victim assistance and victim protection and aims to facilitate a sustainable exchange of information and experiences (see: <a href="https://www.clc.or.at/en/management-center-victim-support/">https://www.clc.or.at/en/management-center-victim-support/</a>)</p>

