



HANDBOOK

ON VICTIMS OF TERRORISM

FRANCE

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

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INTRODUCTION

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

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

Over the last 40 years, France has been targeted by numerous terrorist attacks. As a result, French legislation on terrorism has evolved significantly and includes reinforced measures for the support of victims.

As a result of the state of emergency invoked by the 2015 Paris attacks, Law No. 2017-1510 of 30 October 2017, (*loi n° 2017-1510 renforçant la sécurité intérieure et la lutte contre le terrorisme*), introduced an important reform to

reinforce internal security and the fight against terrorism. Subsequent Law No. 2020-1672, on the European Public Prosecutor's Office, environmental justice, and specialised criminal justice, allows the Guarantee Fund for Victims of Terrorist Acts and Other Offences (*Fonds de Garantie des Victimes de Terrorisme et d'autres Infractions, FGTI*) to cover travel expenses, court fees, and daily subsistence allowances incurred by victims of terrorism, whose trials are held abroad.

In addition, recent Law No. 2019-222 of 23 March 2019, on programming for 2018-2022 and reform for justice (*loi n° 2019-222 du 23 mars 2019 de programmation 2018-2022 et de réforme pour la justice*), established the Judge for Compensation of Victims of Terrorism (JIVAT), while Law No. 2020-833 of 2 July 2020 aimed at improving the compensation system by clarifying the rules for referring cases to the FGTI.

The victims' support system is primarily established by two recent joint ministerial orders, which are currently being revised: the joint ministerial order of 2 January 2019 on Orsec-Novi rescue management system for multiple casualties; and the joint ministerial order of 11 March 2019 on support for victims of terrorism. After the latter, the inter-ministerial public information and victim assistance unit (C2IPAV or Infopublic) was created as a result of the 21 January 2020 circular n°6141/SG relating to public information and assistance to victims in the event of a major crisis on national territory. A further inter-ministerial instruction of 26 April 2021, informing the public and helping victims in the event of a major crisis on national territory, repealed the 21 January 2020 instruction on the organisation of Infopublic.

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
- **On French legislation:**
 - Légifrance

CRISIS RESPONSE STRUCTURE IN FRANCE

In general, regardless of the nature of the crisis, the crisis management process in France consists of the following six stages:

1. The crisis: a rupture in the normal functioning of an organization or society due to a sudden and brutal event threatening their stability, and even their existence.
2. The Prime Minister may activate the *Cellule Interministérielle de crise*, “CIC”, and entrust its management to a minister (Minister of the Interior or Minister of Foreign and European Affairs, according to the nature of the events).
3. The CIC is formed by representatives of the ministries concerned as well as other experts or operators, in particular: the “situation unit” considers the origin of the crisis and its impact; the “anticipation unit” identifies possible complications and measures; the “decision unit” makes crisis management decisions; the “communication unit” draws up a plan to inform the population about the event and measures taken, disseminates relevant recommendations, and manages all communication activities.
4. Operational management of the crisis, under the competence of the prefects of Department of the French Republic¹.
5. Assessment of the crisis and possible solutions.
6. Preparation for a potential new crisis, via one of the following tools:
 - Dissemination of a “risk culture”, through national awareness campaigns, which help strengthen collective vigilance and detect warning signs;
 - State-organised exercises on the most likely risks, where participants from all backgrounds are placed in a realistic configuration to learn how to work together. These exercises last at least half a day. If weaknesses are identified following the exercise, corrections should be made.

With specific regard to victim support in a terrorist attack:

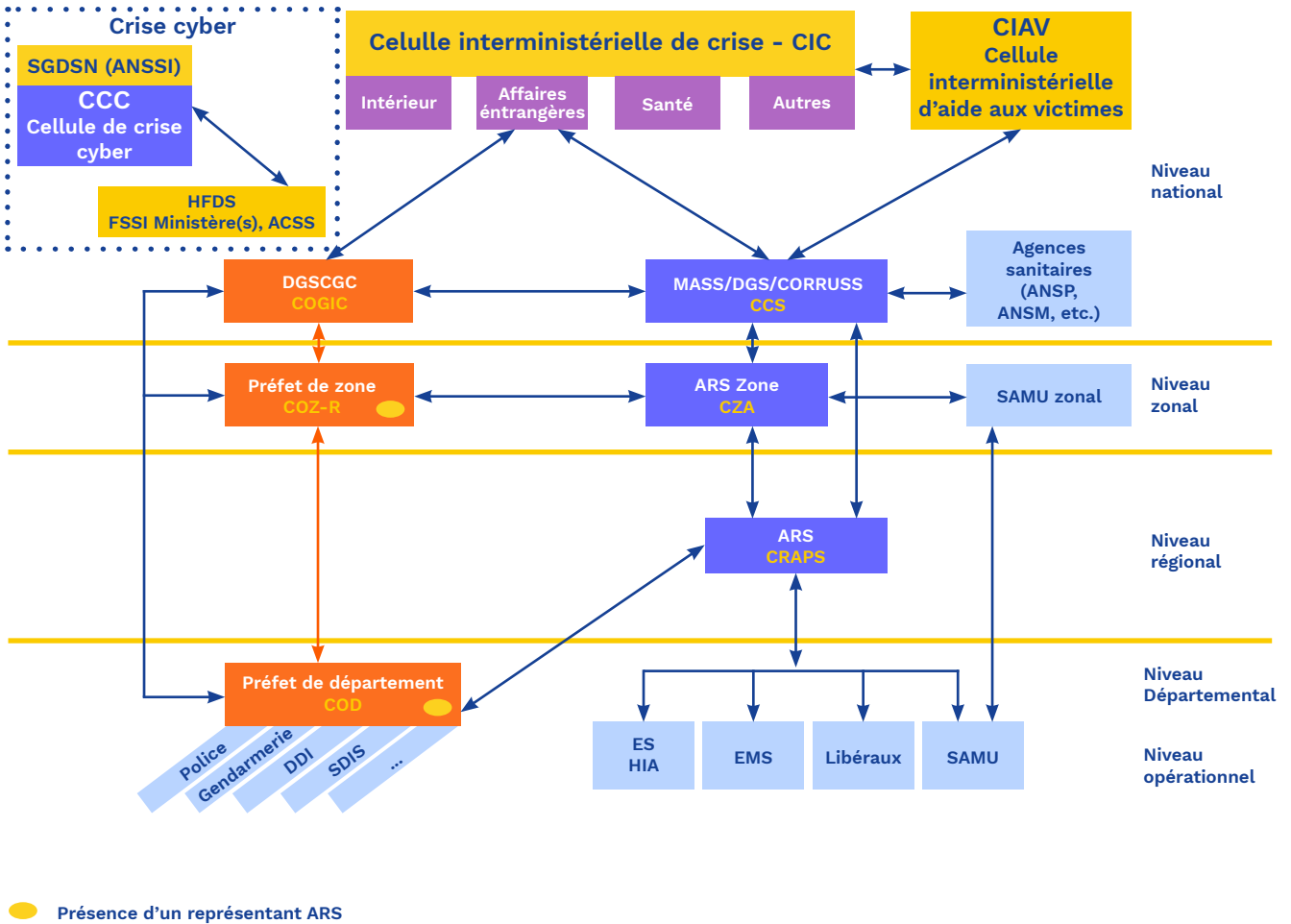
France has an operational Victim Support Office (*Bureau de l'Aide aux Victimes et de la Politique Associative* - BAVPA), in addition to the Inter-Ministerial Delegation for Victim Support (*Délégation Interministérielle de l'Aide aux Victimes* - DIAV), both established at the French Ministry of Justice.

In an attack France can trigger the ORSEC NOVI mechanism (Civil Security Response Organisation, “aid for mass casualties”), a protocol that can be immediately initiated at the scene of the attack. In this context, the prefect of Department can set up a family reception centre, where victims and family members are registered and receive information and help from social workers, legal officers, and trauma psychologists. In parallel, the Prime Minister can activate the cross-governmental unit (called “Infopublic” or “*Cellule Interministérielle d'Information du Public et d'Aide aux Victimes*” - C2IPAV), whose mission is to list victims and refer them to the victim support system. The Infopublic cell telephone number is activated to allow people to report a missing loved one or to seek information about a loved one, and for victims to find out about their rights and to be directed to available support structures. The DIAV developed a permanently dedicated website acting as a one-stop-shop to enable

¹ In the administrative divisions of France, the Department is one of the three levels of government between the Administrative Regions and the Communes.

victims of terrorism to find information on their rights, the formalities and the various bodies involved in providing assistance (notably victim support organisations).

The Crisis response structure in France can be represented with the following schematic, where the CIAV has been replaced by the above-mentioned Infopublic.



Further reading:



- EUCVT (2021) EU Handbook on Victims of Terrorism
- German Presidency Report (2020) State of play regarding support to victims of terrorism, particularly in cross-border situations
- The crisis management process (FR and EN)
- 🌐 One-stop victims' information and declaration portal

TERRORIST ATTACKS

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

Key characteristics

Influential key characteristics include:

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

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

Scale

The scale of the attack (the number of those killed or wounded) varies from event to event. In the context of the Paris attacks in November 2015, gun attacks and bomb blasts left 131 people dead and hundreds wounded, with more than 100 in a critical condition. In the Halle attack in 2019, 2 people were killed, and 2 people were seriously injured. These figures only confirm the numbers of dead and injured. Those affected will be much larger. The greater the number of victims, the more resources are required during both the emergency response phase (e.g. hospital beds) and in the longer term (e.g. in criminal proceedings, professional mental health services, information and support providers). The larger an attack, the greater the media attention will be on the victims, their families and society.

Location

In the recent past, attacks have tended to concentrate on a single localised area. However, during the Paris attacks in November 2015, six separate events 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 various services, which were involved in the response.

Timing

In the case of multiple, related, terrorist attacks, the timing of any consecutive attack(s) has usually been within a few hours of the first. For instance, in 2016 the two attacks in Brussels occurred within an hour of each other. Yet, the attacks in Barcelona, on 17 August 2017, were followed by an attack in Cambrils, about 100 kilometres to the south, the next day. In Asia and the Middle East, follow-up attacks have been timed to hit first responders and helpers.

Weapons

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

Target groups and organisation

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

Cyberterrorism

The internet can also be used for terrorist purposes: 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 STUDY: PARIS ATTACKS, 13 NOVEMBER 2015

Scale

These attacks constitute the deadliest terrorist event in the history of France:

- 131 people died
- 350 people were reported injured, several dozen with permanent consequences
- The actual number of injured is estimated at around 450, some of the wounded never sought medical assistance

Location

A series of coordinated attacks was carried out around the Stade de France, inside the Bataclan concert hall, on several Parisian

café terraces spread across the 10th and 11th arrondissements of the capital.

Timing

The terrorists split into several small groups to launch the attacks in a coordinated manner between 9:20 p.m. and 1:40 a.m.

Weapons

The coordinated attacks were perpetrated with automatic weapons and explosives in busy public places, coupled with hostage-taking.

Organisation

The attacks were claimed by the jihadist group Daesh, and were perpetrated by a team of terrorists connected to the Brussels attacks of 22 March 2016.

Further reading:

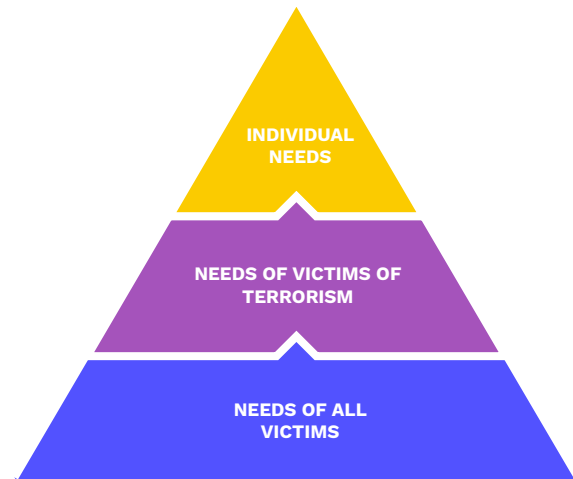
- Europol (2020) TE-SAT Report
- Institute for Economics and Peace (2019) Global terrorism index
- French Association of Victims of Terrorism (AfVT) (2015) Coordinated attacks in Paris and Saint-Denis



VICTIMS' NEEDS

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

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



Layers of needs

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

Emergency support to meet victims' needs immediately following a terrorist attack is critically important: survivors need to be safe and secure, receive emergency medical – and psychological – aid, food and drink. Member States shall ensure that support services addressing the specific needs of victims are in place and easily accessible immediately after a terrorist attack, and for as long as necessary.

¹ 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. *In France this is applied by the Inter-ministerial Instruction on the assistance to victims of acts of terrorism of 11 March 2019 (Instruction interministérielle relative à la prise en charge des victimes d'actes de terrorisme, Prime Minister, N°6070/SG).*
2. Support: medical care, specialised psychological-trauma care, information, practical assistance, legal assistance, communication (media) support, peer support, etc. *Shortly after a terrorist attack in France, a family reception centre can be set up where victims and their family members are registered and receive information and help from social workers, legal officers, and trauma psychologists.*
3. Protection: physical protection, protection from secondary victimisation. *The protection of the victim's and his/her family members'*

physical and psychological well-being is ensured by the use of telecommunication tools that prevent the offender from making direct contact with the victims during judicial hearings in France.

4. Access to justice: safe participation in the criminal justice process. *Victims of terrorist attacks in France have automatic access to legal aid, regardless of income.*
5. Compensation and restoration: financial compensation and help with the financial impact of a terrorist attack. Restoration includes overall recovery and restorative justice processes. *The right to compensation for victims of terrorism in France is ensured through the Guarantee Fund for Victims of Terrorist Acts and Other Offences (FGTI).*

Individual needs

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

Further reading:



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

1. THE RIGHTS OF VICTIMS OF TERRORISM

1.1 VICTIM OF TERRORISM – DEFINITION UNDER NATIONAL LAW AND IMPACT

DEFINITION UNDER EU LAW Victim of Terrorism

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

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

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

Terrorist offence

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

DEFINITION UNDER FRENCH LAW Victim of Terrorism

To keep the notion of victim as broad as possible, French law does not define the term 'victim' nor does it describe the types of victims. The concept of victims is used for topics related to

compensation and responsibility: per Article 2 of the French Criminal Procedure Code (CPC) on civil action, a victim is a person, who has been injured as a result of an event, which can be qualified as a criminal offence and entails the referral to criminal justice.

More specifically, with regard to the recognition as victim of terrorism under French law, after a terrorist attack the National Anti-Terrorist Prosecutor's Office draws up an initial list of victims, including the deceased and unconscious injured persons. Other injured victims must be recognized by the Guarantee Fund for Victims of Terrorism and Other Offences (*Fonds de Garantie des victimes de terrorisme et d'autres infractions* – FGTI), which receives claims for compensation from all those, who consider themselves victims of terrorist attacks and on this basis completes the list. The FGTI is competent to decide whether these claims are admissible and if it refuses to compensate someone on the grounds that the person is not a victim of terrorism, the decision may be contested before the Compensation Judge for Victims of Terrorism (JIVAT), who will decide the matter. Based on both the Prosecutor's Office and FGTI's lists, the Ministry of Justice (*Service de l'accès au droit et à la justice* - SADJAV) draws up a "shared list" (*liste partagée*), which is then sent to all the actors involved in the accompaniment of victims of terrorism.

It is also worth noting that the Inter-ministerial Instruction on the assistance to victims of acts of terrorism of 11 March 2019 (*Instruction interministérielle relative à la prise en charge des victimes d'actes de terrorisme, Prime Minister, N°6070/SG*), includes persons having a family tie with the victim, in the notion of beneficiaries, who have the same rights as victims of terrorism.

Terrorist offence

The offences listed under Articles 421-1 and following of the French Criminal Code (CC) are deemed acts of terrorism when intentionally committed by an individual or a collective operation aimed at seriously disrupting public order by terror or intimidation.

The National Anti-Terrorist Prosecutor's Office has exclusive competence to qualify the events as terrorist acts: based on an assessment of the perpetrator's motive, ordinary legal offences are transposed into terrorist offences. The public prosecutor's office can then open a judicial investigation, which is directed by the investigating judge. The judge has the option to alter the written opinion of the National Anti-Terrorist Prosecutor's Office, if investigations bring to light information for an even more precise qualification of the event.

IMPACT OF TERRORIST ATTACKS ON VICTIMS

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

Physical consequences

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

Mental health consequences

Victims experience fear and anxiety after a terrorist attack at levels that may not incur psychological problems, but that may have behavioural, relational, and financial consequences. Post-traumatic stress is often diagnosed in victims following a terrorist attack. Victims may re-

experience the event, have repeated and unwanted intrusive thoughts, hyper arousal, emotional numbing and/or avoidance of stimuli reminding them of the traumatic experience.

Financial consequences

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

Future events

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

Risk groups

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

Loss and grief

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

Further reading:



- Letschert, R.M., Staiger, I., Pemberton, A. (2010) Assisting victims of terrorism: towards a European standard of justice
- Damiani, C., Victime et traumatisme, in Tigrane Tovmassian, L., & Bentata, H. (2013) Le traumatisme dans tous ses éclats, p. 61-70
- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- German Presidency Report (2020) State of play regarding support to victims of terrorism, particularly in cross-border situations
- Sadowski, I., Okroglic, P. (2019) VOIARE National Report France
- Criminal Procedure Code, Code de procedure pénale (CPC)
- Criminal Code, Code pénal (CC)
- Instruction interministérielle relative à la prise en charge des victimes d'actes de terrorisme, 11 March 2019

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.

The first step towards recognition and respect of victims of terrorism is their identification, while subsequent commemorative events and memorials form an integral part of the healing process for victims of terrorism, their families and all those affected.

Identification of victims and information about victims

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

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

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

Recognition

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

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

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

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 backgrounds of the individual victim of terrorism determine, to a large extent, what the victim considers respectful treatment.

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

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

Victim registration – a necessary pre-condition for recognition and respect

To ensure respect and recognition for all victims, especially in attacks affecting large number of people, it is fundamental for the authorities to plan and execute a rigorous victim registration procedure. This procedure should be designed in such a way as to centralise victim information – including the information and contact details of concerned family members, witnesses and bystanders, first responders and other persons, who might have been impacted by the attack in different ways.

AN OVERVIEW OF RIGHTS IN FRANCE

In awarding the National Medal of Recognition, by staging various commemorative events, and through initiatives detailed below, France recognises the right of victims of terrorism to respect and recognition.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF NATIONAL PERSPECTIVES

Identification of victims and information about victims

The Circular of 1 July 2019 states that the handling of the bodies of the deceased is within the exclusive responsibility of the investigating services, which organise victim identification,

census, and transport under the direction of the competent public prosecutor.

Relatives of victims to whom a death is announced regularly point out the importance of this announcement and the need to pay the utmost attention to it, given that the consequences that follow can mark one's whole life. In this light, the DIAV has created a standardised regulatory framework to train professionals involved in delivering victims' death announcements as well

as professionals, who will intervene at a later stage, such as magistrates. An updated version of this framework is currently being finalised by the DIAV.

Victims' registration

The French Ministry of Justice is engaged in improving its victim registration procedure. A digital tool is currently being designed to list victims of major crises, along with their contact details and details of their family members, within one single file. This tool will ensure that privacy and data protection rights are respected and the information it contains will only be available to organisations, which assist victims in exercising their rights.

Special recognition

The National Medal of Recognition is a decoration intended to honour victims of terrorism and to contribute to their resilience. It was established by Decree of the President of the Republic of 12 July 2016, after a proposal by the Grand Chancellor of the Legion of Honour.

In addition, the French Minister of Justice may approve, at the request of the beneficiaries (those having a family tie with the victim), that the recognition of “*Victim of Terrorism*” is added to the death certificate of French citizens, who died in terrorist acts committed on national territory or abroad.

Commemoration events

Decree No. 2019-1148 of 7 November 2019 established 11 March as the national day of tribute to victims of terrorism. This day has

been chosen to symbolically coincide with the European Remembrance Day for Victims of Terrorism, which on 11 March 2020 was commemorated in Paris. Both this event and the one on 11 March 2021 were chaired by the President of the Republic, Emmanuel Macron, with the French Minister of Justice and the DIAV. On these occasions, the National Medal of Recognition was given to those victims, who requested it – several of whom were invited to speak about the events they experienced and the impact that these events have had on them. On 11 March, in addition to the national event in Paris, each Department of the French Republic organises its own event through the prefectures, which bring together all those paying tribute to the victims of terrorism.

It is worth mentioning that, since the attack of 14 July 2016 in Nice, the municipality of Nice includes victims and their families in its regular steering committees, which prepare commemorative events.

The DIAV is currently working on a project for a victims of terrorism memorial museum, at the request of the President of the Republic, Emmanuel Macron.

Other initiatives

Following the 2015 Paris attacks, Public Health France launched the ESPA survey (*Enquête de Santé publique Post-Attentats de novembre 2015*) for people directly or indirectly affected by the attacks. The first phase of the ESPA survey, carried out between July and November 2016, aimed at measuring the psychological impact of the attacks. The second stage of investigation was launched in November 2020.

Further reading:



- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- European Commission (2020) EU Strategy on victims' rights (2020-2025)
- VSE (2019) Remembering Victims of Terrorism: A guidance document
- Decree No. 2019-1148 of 7 November 2019
- ESPA survey findings
- March 11, a national day in tribute to victims of terrorism
- DIAV (2019) Comment améliorer l'annonce des décès? (FR)

1.3 VICTIMS' RIGHTS TO ACCESS INFORMATION

THE RIGHTS UNDER EU LAW

The Victims' Rights Directive and the Counter-terrorism Directive set out the following 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 FRANCE

In France, particular attention is given to the right of victims of terrorism to receive information in the immediate aftermath of an attack. The creation of the Inter-Ministerial Delegation for

Victim Support (DIAV) by Decree of 7 August 2017 and the Inter-Ministerial instruction of 10 November 2017 relating to victims of terrorism, aim at ensuring effective inter-ministerial cooperation following an attack. Based on these decrees, the Inter-ministerial Instruction on the assistance provided to victims of acts of terrorism of 11 March 2019 further enhances the importance to provide victims of terrorism with a centralized and easily accessible means to receive information during the first hours of the terrorist attack.

If an attack impacts many people, the cross-governmental unit, *Cellule Interministérielle d'Information du Public et d'Aide aux victimes* (Infopublic), is activated in accordance with the inter-ministerial instruction of 11 March 2019 and the joint ministerial circular of 21 January 2020 on information to the public and victim support in the event of a major crisis on French national territory, as revised by the new Inter-ministerial Instruction of 26 April 2021. Victims and their families wishing to be informed of their rights can directly contact Infopublic by telephone. The public may also contact the unit for general information on roads blocked by the attack, safety instructions, etc. At the victim reception centre at the scene of the attack, victims are given information on their rights. In addition, the permanently dedicated One-stop Victims' Information and Declaration portal provides relevant information on the various services involved (e.g., psychosocial, legal, medical, and financial), thus functioning as a "one-stop-shop".

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

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

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

Information can be divided into:

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

Information centres

It is recommended that victims of terrorism are provided with a centralised, single contact point that coordinates the work of all those involved in the support and protection of victims. Additionally, a dedicated website,

providing all relevant information, can act as – or be supported by – a one-stop-shop, a centre where a range of services (e.g., psychosocial, legal, medical and financial) is provided in the immediate aftermath of an attack.

As already mentioned above, in France the Inter-Ministerial Delegation for Victim Support (DIAV) developed the French government's victim support website: the One-stop Victims' Information and Declaration portal, which clarifies what to do after a terrorist attack and enables victims of terrorism, wherever they live, to find information on their rights, the formalities, and the various bodies involved in providing them with assistance (victim support organisations in particular). This information has been translated into English and Spanish for foreigners involved in terrorist attacks in France and the DIAV intends to launch an online information guide for French citizens, who are victims of a terrorist attack abroad.

In addition, the ORSEC NOVI mechanism (Civil Security Response Organisation, "aid for mass casualties") provides for measures to be immediately initiated at the scene of the attack. Under this framework, the prefect of a Department of the French Republic can set up a **family reception centre**, where victims and family members are registered and receive – free of charge – information and help from social workers, legal officers, and trauma psychologists. In parallel, the Prime Minister can activate the cross-governmental unit (called "Infopublic" or "*Cellule Interministérielle d'Information du Public et d'Aide aux Victims*" C2IPAV) whose mission is to list victims and refer them to the victim support system. When an attack has taken place, a **telephone number**

is activated to enable people to report, or seek information about, a missing loved one, and for victims to find out about their rights and be directed to available support structures. This can be through:

- a public information unit set up by the prefect at Department level, when the attack causes few casualties; or
- the national public information number of the Infopublic cell, when the attack has caused many victims and has a large impact on the population (pupils are confined to their schools for the duration of the attack, roads or districts are blocked off, etc.)

For longer term support, an **information and support centre** (*Espace d'Information et d'Accompagnement - EIA*) specifically dedicated to victims of terrorism is created. These centers are run by victim support associations accredited by the Ministry of Justice and should bring together, in one place and time, all relevant victim support professionals. Victims can consult psychologists as well as other professionals with questions on administrative or legal steps to be taken. All assistance is free of charge and these centres only close several years after the events, when the number of victims in need has significantly decreased. For example, the centre in Paris, which opened after the 2015 attacks, is still open.

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
- EUCVT (2021) EU Handbook on Victims of Terrorism
- Instruction interministérielle relative à la prise en charge des victimes d'actes de terrorisme, 11 March 2019
- 🌐 One-stop victims' information and declaration portal

1.4 VICTIMS' RIGHTS TO ACCESS SUPPORT SERVICES

THE RIGHTS UNDER EU LAW

The Victims' Rights Directive and the Counter-terrorism Directive set out the following 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 support services, as established mainly by the Victims' Rights Directive. Chapter Three describes the organisation of support in the specific context of terrorist attacks and other crisis situations in light of provisions in the Counter-terrorism Directive.

AN OVERVIEW OF RIGHTS IN FRANCE

As mentioned above in subchapter 1.3, at the family reception centre set up at the scene of the attack by the prefect of Department, immediately after the event victims and family members can receive help, free of charge, from social workers, legal officers, and trauma psychologists. Subsequently, victims can contact psychologists and other professionals at the information and support centres ("*Espace d'information et d'accompagnement*" – EIA), which are managed by victim support associations accredited by the Ministry of Justice, with questions on administrative or legal matters. If the EIA is not open, victims will be received in the nearest victim support organisation, to benefit from support, adapted to their needs, for as long as they wish.

While French law does not explicitly state that victim support services should be confidential and free of charge, the legal and organisational framework ensures that they are provided in such way. Support systems offered to victims of terrorism in France are also available to French and foreign nationals, who reside in France and become victims of a terrorist attack abroad. Victim support organizations, registered with the French appeal courts, provide psychological support free of charge to anyone considering themselves a victim of terrorism regardless of their nationality.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

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

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

Victim assistance centres

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

A good example is the *Centre d'Accueil des Familles* (CAF) set up under the authority of the prefect of the competent Department in Strasbourg, to provide immediate treatment and support for victims of the terrorist attack of 11 December 2018 as of the day following the attack. It mobilised the resources of local associations of the France Victimes network, SOS Aide aux Habitants FV67 and VIADUQ FV67,

to assist the victims. Nearly 700 victims were helped in the aftermath of the attack. Such centres are set up whenever a terrorist attack causes multiple direct victims. In certain cases (as for the 2015 Paris attacks, the 2016 Nice attack and the 2018 Strasbourg attack) the CAF, as such, closes after the crisis phase, and the new information and support centre (*Espace d'information et d'accompagnement* - EIA) continues to provide support services for the rehabilitation of the attack survivors.

Central contact point within government

The Victim Support Office of the French Ministry of Justice (*Bureau de l'Aide aux Victimes et de la Politique Associative* - BAVPA) is the French contact point for the EU networks of national contact points for victims of terrorism and compensation. In November 2020, the EU Council was made aware of the referent persons' contact details.

Other types of support

- The ONAC-VG ("*Office National des Anciens Combattants et Victimes de Guerre*") recognizes the victims of terrorist attacks as war-wounded and provides for their lifelong care, financial, educational, and professional assistance.
- In 2016, a local oversight committee for victims of terrorism (the *Comité Local d'Aide Aux Victimes*, CLAV, as of 2017) was created at the level of the Departments of the

French Republic. The committee ensures the coordination of all local actors involved in victim assistance to ensure the best possible support to victims of terrorism. For example, the Strasbourg CLAV meets at least once a year to make certain that the needs of victims of the 2018 Strasbourg attack are taken care of, and to discuss any difficulties that victims may encounter individually.

The DIAV oversees the development and activities of all local-level committees.

- The inheritance of those, who died because of an act of terrorism, is exempt from tax.
- Specific coverage by the health insurance providers entailing free care for as long as the convalescence lasts, applies to victims of terrorism.

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
- Sadowski, I., Okroglic, P. (2019) VOCIARE National Report France
- EUCVT (2021) EU Handbook on Victims of Terrorism
- VSE (2018) Behind the Scenes: Family Reception Centre set up for the Victims of the Strasbourg Christmas Market Shooting

1.5 VICTIMS' RIGHT TO ACCESS JUSTICE – PROCEDURAL RIGHTS

THE RIGHTS UNDER EU LAW

The Victims' Rights Directive and the Counter-terrorism Directive set out the following 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 RIGHT TO ACCESS TO JUSTICE IN FRANCE

In France, the victim must become a civil party to be party to the proceedings. The CPC sets the conditions for becoming a civil party under articles 419, 420 and 420-1. The right for a victim to be heard is granted to victims, who are party to the proceedings.

While, in general terms, access to full or partial legal aid is determined by annually assessed resource ceilings, a person's income is not considered when applying for legal aid for certain offences, including terrorist attacks. The Law of 10 July 1991 on legal aid, provides victims of terrorism and their dependents with the right to access legal aid, in the context of criminal proceedings. In addition, foreigners are granted legal aid, without residence requirements, if they become civil parties in the French criminal procedure. In urgent situations, the victim's request to access legal aid can be facilitated by the victim support association within the jurisdiction. The local association, supporting the victim in the proceedings, can ask the referring lawyer to find an English-speaking lawyer or, if possible, a lawyer speaking the language of the victim, if the victim does not speak French.

The victim must become a party to the proceedings to be reimbursed for expenses resulting from their participation. The Court informs the victims, by letter, of their right to reimbursement and the relevant procedure to follow. This information can also be given by the local victim support association.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

Large scale attacks

Criminal proceedings and trials for large scale attacks are complex. Large numbers of victims and witnesses are involved and all share the right to participate in the trial. States may need to establish special measures to facilitate this participation, which may include holding trials in larger secure locations to accommodate all those involved. Where criminal proceedings about terrorist attacks and other disasters account for large numbers of victims, there may be a need for more support compared to other criminal proceedings.

For the trial following the 2015 Paris attacks, a courtroom of 550 seats was built within the heart of the historic Paris courthouse. Over 17 additional rooms, allowing the broadcasting of

the proceedings, have been made available, and a secure online radio, for victims wishing to follow the hearings from their homes, has been established.

Furthermore, as an example of positive practice in the victims' right to be heard, it is worth mentioning that, in the context of the Paris trial for the January 2015 attack, which has already taken place, victims were allowed to give their testimony at the very beginning of the trial.

Public inquiries

Victims of terrorist attacks, as other victims, express a need for truth. They want to know what happened, how it happened, who was involved and why. The instigation of formal criminal procedures takes time and victims are often left without answers. A public inquiry can serve as an alternative means of answering the questions of victims and society as a whole.

INTERNATIONAL EXAMPLES OF PRACTICAL APPLICATION

After the 2016 Brussels terrorist attacks, a parliamentary inquiry was launched to investigate the circumstances leading up to the attack, the response to the attack, and the evolution of radicalisation with the aim of developing recommendations from the lessons learned.

In Germany, a Federal Government Commissioner can act as intermediary between the victims and those responsible for the post-attack criminal investigation. Even when the investigation is still ongoing, the Commissioner can, for example, set up a meeting between these two parties to allow victims directly pose their questions to those leading the investigation.

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
- Sadowski, I., Okroglic, P. (2019) VOIARE National Report France
- EUCVT (2021) EU Handbook on Victims of Terrorism
- Beck, K. (2017) Abschlussbericht des Bundesbeauftragten für die Opfer und Hinterbliebenen des Terroranschlags auf dem Breitscheidplatz (DE)

1.6 VICTIMS' RIGHTS TO PROTECTION: PHYSICAL AND PRIVACY

THE RIGHTS UNDER EU LAW

The Victims' Rights Directive and the Counter-terrorism Directive set out the following 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 FRANCE

Article 10-2 of the CPC establishes victims' right to be informed of the protection measures, which may be applicable to them. Victims have the right not to disclose their home address and can be accompanied by a person of their choosing at hearings and medical examinations,

which must take place only as strictly necessary for the investigation.

Art. 10-5 of the CPC provides that victims receive an individual assessment to identify specific protection needs. Victims of terrorist offences are targeted for individual assessment and victim support organisations can be associated to the assessment.

The protection of the victims' and their family members' physical and psychological integrity is ensured by the option to use telecommunication tools that prevent the victims being in direct contact with the offender during judicial hearings (Article 706-71 of the CPC) and that allow victims remain anonymous if the audition or testimony of the victim endangers their life or physical integrity or that of their family members. In such case, victims may use their lawyer's address as a reference: during the terrorist attacks in Nice in July 2016, foreign victims were able to use the address of the information and support center (*Espace d'Information et d'Accompagnement - EIA*). In addition, Article 120 of the CPC provides that the investigating judge in charge of the interviews, cross examination, and hearings of the parties can intervene to prevent situations harming a person's dignity.

The prosecution balances the right to privacy with the right to information in its communications with the media. In the context of criminal proceedings held after terrorist attacks, the judicial authority ensures that victims, who do not want to have any contact with the media are granted separate access to courtrooms.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

Government and the media

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

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

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

Victims and the media

It is difficult to balance the freedom of the media, the general populations' need for information and the privacy protection of victims. While speaking out in the media can be empowering for victims and helpful to the general public, intrusive media attention may violate their privacy and negatively affect the lives of those portrayed, even in the future. Information may be(come) distorted or manipulated, by journalists or others using news footage.

For example, in the aftermath of an attack or disaster, broadcast and print media show images of the scene of the attack and, potentially, of victims and witnesses. These images will likely be shown again in light of commemorations and remembrance activities of this attack or disaster, which is retraumatising to victims and victims' families. It is advised that victim support organisations are sensitised about the recurrence of distressing images in order that this can be dealt with in a victim-sensitive manner.

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

In France, following excessive publication of photos of deceased victims after terrorist attacks, the Audiovisual High Council (*Conseil Supérieur de l'Audiovisuel*, CSA) held hearings with victim support associations and other authorities to draft a charter of good practices for the media, which includes a reminder of ethical rules. However, the CSA does not have authority over Internet publications, thus, if someone requests photographs, of him/herself or his/her relatives taken after a terrorist attack, to be removed from the Internet, the matter can be referred to the National Commission

for Informatics and Freedoms (*Commission Nationale de l'Informatique et des Libertés*, CNIL), the French authority responsible for the protection of personal data and individual online freedoms. If the person making the request does not receive a reply within one month, or receives an unsatisfactory reply, they can file a complaint on the CNIL website using the available online form. The CNIL issues warnings, injunctions, and financial penalties against the site that published the problematic content until it is eventually removed.

Further reading:



- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- UNESCO (2017) Terrorism and the Media: A handbook for journalists
- BBC: Belgians tweet cat pictures during #BrusselsLockdown
- Sadowski, I., Okroglic, P. (2019) VOIARE National Report France
- CSA, Précautions relatives à la couverture audiovisuelle d'actes terroristes (FR)
- 🌐 CNIL (FR and EN)
- CNIL: online form for complaint
- CNIL: model lettres

1.7 VICTIMS' RIGHTS TO PROTECTION: SECONDARY VICTIMISATION

THE RIGHTS UNDER EU LAW

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

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

Causes

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

- repetition of statements in police 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

It should be kept in mind that many solutions reflect the understanding that victims of terrorism are in an abnormal situation and require greater care. Such solutions can include the 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 FRANCE

See above in subchapter 1.6, in the section on rights in France, and below for further examples.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

- The Ministry of Home Affairs adopted a charter laying out rules for the police on how to provide support to victims and to ensure that victims are recognised and treated in a respectful, sensitive, tailored, professional and non-discriminatory manner.
- At the initiative of the Ministry of Justice, victims of terrorism referent persons have

been designated and trained in victim support in each Department of the French Republic, to provide victims with a quicker and more considered response to their specific care needs.

- Throughout the year, France Victimes organizes general as well as specific training targeted at professionals such as judges, lawyers, and victim support associations, on how to receive victims and assist them with legal, psychological, social and restorative justice matters. Further information is provided below under section 3.1.

Further reading:



- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- Charter on rules for the police
- EUCVT (2021) EU Handbook on Victims of Terrorism

1.8 VICTIMS' RIGHTS IN RELATION TO ACCESS TO COMPENSATION

THE RIGHTS UNDER EU LAW

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

- the Member States' obligation to set up a compensation scheme 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 FRANCE

Law No 86-1020 of 9 September 1986 on the fight against terrorism and other threats to national security grants victims of terrorism the right to compensation through the Guarantee

Fund for Victims of Terrorist Acts and Other Offences (*Fonds de Garantie des Victimes de Terrorisme et d'autres Infractions*, FGTI). The FGTI provides full compensation for damages resulting from physical injury and, when applicable, deducts social security claims and any compensation received from other bodies, including those outside France, in connection with the same damages. The provisions of the law apply to French citizens, who are victims of attacks – regardless of the place where the attack occurred – as well as to foreign national victims of attacks that took place in France. If the FGTI refuses to compensate a person on the grounds that they are not a victim of terrorism, the person may contest this decision before the Compensation Judge for Victims of Terrorism (JIVAT), who will decide the matter.

According to Law n°2020-1672 of 24 December 2020 on the European Public Prosecutor's Office, environmental justice, and specialized criminal justice, the FGTI covers travel expenses, attendance allowance and daily subsistence incurred by victims of a terrorist attack abroad, who attend a trial outside France.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

Implementation of the compensation scheme in France

Victims maintain direct contact with the FGTI, but may receive assistance – throughout the compensation process – from France Victimes’ support associations or other victims’ associations, such as AFVT and FENVAC, in addition to their own lawyers, if appropriate. In the immediate aftermath of a terrorist attack, the FGTI makes a provisional compensation payment to cover any immediate costs arising in the initial period after the attack (between 24 and 48 hours). In this context, the FGTI also covers the funeral costs for the bereaved families and directly contacts funeral services

to assist families with this process. Moreover, within one month of receiving a valid claim from the victim, the FGTI will make an initial payment; additional amounts can be paid, based on costs incurred and foreseeable final damages. It should be noted that new types of harm have been recognized, such as the harm of anxiety about imminent death. A team from the FGTI may visit the location of the attack, even if it is abroad, to assist victims and family members with the preparation of the compensation claim.

Through the online one-stop-shop, developed by the DIAV, victims can complete an online form with their personal information and supporting documentation, which will facilitate their application for compensation and reimbursement of costs. Foreigners involved in terrorist attacks in France can access this information in English and Spanish.

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
- Sadowski, I., Okroglic, P. (2019) VOciare National Report France
- EUCVT (2021) EU Handbook on Victims of Terrorism
- 🌐 Fonds de Garantie des Victimes de Terrorisme et d’autres Infractions (FGTI)
- 🌐 Fédération nationale des victimes d’attentats et d’accidents collectifs (FENVAC)
- 🌐 Association française des victimes du terrorisme (AfVT)

2. CONSIDERING PARTICULAR GROUPS OF VICTIMS

2.1 CROSS-BORDER VICTIMS

THE RIGHTS UNDER EU LAW

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

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

AN OVERVIEW OF RIGHTS IN FRANCE

The public services, which support victims of terrorism, are free of charge and accessible to all victims, regardless of nationality/residence: foreign national victims of a terrorist act in France are offered the same medical and psychological assistance as victims of French nationality and they receive information on their rights during the crisis stage in the same way. In the longer term, the coordination of support to victims is assumed by the Victim Support Office, located within the French Ministry of Justice (*Bureau de l'Aide aux Victimes et de la Politique Associative - BAVPA*) at the department for access to law and

justice and victim support (*Service de l'accès au droit et à la justice, SADJAV*). This office liaises with existing institutional networks (European Network for Victims' Rights - ENVR, liaison magistrates' network, diplomatic and consular network) to ensure that victims living in another Member State receive long-term support and assistance, specifically through their local victim support services. Through these networks, the Ministry of Justice also shares information on the rights, which are granted to individuals, who are victims of a terrorist act committed in France.

Compensation schemes

The right to compensation, through the FGTI, applies to all victims of terrorist acts committed in France, even if the victims do not live in France. If the victims receive compensation from another body, including one outside France, they must inform the FGTI.

Participation in criminal proceedings

To fully participate in criminal proceedings, foreign victims can become party to the proceedings. They will then be granted legal aid, without residence requirements. For victims, who do not speak French and who would like to benefit from legal aid, the local association supporting the victim in the proceedings can ask for an English-speaking lawyer to be engaged or, if possible, a lawyer speaking the same language of the victim.

Translation of official documents

Article 10-3 of the CPC foresees the victims' right to request, free of charge, the assistance of an interpreter or a translator to exercise their rights in the criminal proceedings.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

The goal of the Victim Support Office of the French Ministry of Justice (*Bureau de l'Aide aux Victimes et de la Politique Associative* - BAVPA) is to lead public policy on the support of victims of terrorism and to coordinate those involved at the national level. Victims of a terrorist attack in France, who usually reside in another EU Member State, may submit any questions they have on the French system to this Office. The French Ministry of Justice has designated the Victim Support Office as the «assistance authority» to facilitate compensation for foreign victims under the Counter-Terrorism Directive and the Directive on Compensation.

With regard to international good practices in cross-border situations, it is worth mentioning that during the crisis stage following past terrorist attacks, the BAVPA has been able to exchange information with Spain and Italy on individual situations and to exchange information on victims' immediate rights and future steps to be taken. In addition, the National Antiterrorism Prosecution Service ensures that consulates are kept informed of any forensic examinations carried out on their national victims, whose bodies are to be repatriated to other countries.

Finally, in a terrorist attack abroad involving French victims, the liaison officer at the Ministry of Exterior launches the crisis response of a French Embassy abroad.

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
- Sadowski, I., Okroglic, P. (2019) VOciare National Report France
- EUCVT (2021) EU Handbook on Victims of Terrorism

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

Children as direct victims

In France, child victims can become a civil party to the proceedings and can be heard during hearings. Children heard by the authorities within police stations and gendarmeries are subject to a specific procedure: they are interviewed in special premises, for a shorter time than adults and by specifically trained professionals. They are recorded to prevent the duplication of unnecessary interviews.

With specific regard to child victims of terrorism, the children of French victims (deceased or injured) as well as direct victims under the age of 21 may be granted the status of “Pupil of the Nation”, which gives them access to specific support and assistance (for instance, grants for higher education) measures.

The Paediatric psycho-traumatology department (*Centre d’Evaluation Pédiatrique du Psychotraumatisme - CE2P*) of the *Centre Hospitalier Universitaire* (CHU) Lenval, in Nice, has initiated a unique longitudinal research study, “Program 14-7”, which will continue until the youngest patient reaches the age of 25 and fo-

cuses on the clinical and cognitive evaluation of the children’s, and their parents’, psychological state, including – among other issues – an assessment of a child’s distress on the parent-child relationship.

It is also worth mentioning the Project “CAJ” (*“Chien d’Assistance Judiciaire”* – courthouse dogs), led by Handi Chiens and the Sommer Fondation, in partnership with several France Victimes associations. This project started in 2019, after first being tested at the Cahors tribunal as an initiative by its prosecutor, and focuses on the use of courthouse dogs to reduce victims’ anxiety and to help them speak freely during the trial. While there is currently no available information on the use of courthouse dogs for direct child victims of a terrorist attack, their use has proved highly effective with other child victims.

Interaction between TV broadcasting or written media and children

In France, a Charter for Child Protection, promoting the engagement of the media in protecting the image and the identity of child victims, was signed by the members of the media, the Ministry of Solidarities and Health, and UNICEF in February 2012.

Further reading:



- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- Sadowski, I., Okroglic, P. (2019) VOIARE National Report France
- UNICEF (2012) Charte protection de l’enfant dans les medias (in FR)

3. ORGANISING SUPPORT

3.1 PREPARATION AND ORGANISATION OF SUPPORT FOR VICTIMS OF TERRORIST ATTACKS

THE RIGHTS UNDER EU LAW

The Victims' Rights Directive and the Counter-terrorism Directive set out the following minimum requirements for the preparation and organisation of support 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 experiences in terrorist attacks and some Member States have not yet developed protocols for the establishment of a specific response network. Where such a 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 FRANCE

Preparation and training – national perspectives or international good practices

Planning and co-operation

The crisis management process in France foresees various phases (as per the crisis response structure reported above), among which is preparation for a potential new crisis:

- Planning: to prepare authorities for decision-making in a crisis situation;
- Provision of efficient monitoring tools, adapted to each type of risk, for public authorities and operators;
- Dissemination of a “risk culture” through national awareness campaigns, which help strengthen collective vigilance and detect warning signs;
- State-organised exercises on the most likely risks: participants from all backgrounds take part in simulated exercises, which last at least half a day, to learn how to work together. If weaknesses are identified by the exercise, adaptations should be made.

Training

At the initiative of the Ministry of Justice, victims of terrorism referent persons have been designated and trained in victim support in each Department of the French Republic, to provide such victims with a quicker and more considered response to their specific care needs.

In addition, the federation France Victimes trains its member associations on terrorism measures, including specific topics, such as the rights of victims of terrorism. On an ad hoc basis, the Federation provides its other partners with training modules targeting professionals such as judges, lawyers, and victim support associations. Training focuses on how to receive victims, provide them with legal, psychological, or social support, or with restorative justice measures. The Federation also collaborates with the National School for Magistrates (*École Nationale de la Magistrature*, ENM) and in 2017 introduced a module that included topics on the general support of victims and restorative justice measures. This module is now part of the initial ENM training, and complementary training modules are provided by France Victimes

as part of the magistrates' ongoing education. The Federation interacts less with lawyers at the national level; however, victim' support associations establish local partnerships to raise awareness and train lawyers on victim support.

Emergency response phase – national perspectives or international good practices

See subchapters 1.3 and 1.4 on victims' right to access information and support services, respectively, and subchapter 2.1 on support for cross-border victims.

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

See subchapters 1.3 and 1.4 on victims' right to access information and support services, respectively, and subchapter 2.1 on support for cross-border victims.

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
- Sadowski, I., Okroglic, P. (2019) VOciare National Report France

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 FRANCE

The Inter-Ministerial Delegation for Victim Support (DIAV), attached to the Ministry of

Justice, coordinates with different ministries on activities related to the victims' relationship with support associations. In implementing its policies, it works with the department for access to law and justice and victim support (*Service de l'accès au droit et à la justice - SADJAV*), more specifically its Victim Support Office (*Bureau de l'Aide aux Victimes et de la Politique Associative - BAVPA*) at the Ministry of Justice.

Article 41 of the CPC legally endorses the involvement of victims' associations and legitimises their actions towards victims. Victim support associations are included in emergency planning: during terrorist attacks they are included in the immediate provision of victim support and they are present in the family reception centre, set up at the scene of the event, by the prefect of Department, immediately after it occurs. The France Victimes federation also collaborates with the Infopublic cell to answer callers wishing to report or seek information about a missing loved one and victims' questions about their rights and deployed support structures. Subsequently, local victim support associations run the information and support center ("*Espace d'information et d'accompagnement*" – EIA) which shifts from being a family reception center to providing long-term support to victims of terrorism, as mentioned above in subchapter 1.3.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

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

Victim support associations

In 1986, under the initiative of Robert Badinter, France decided to give the task of victim support to specific associations, to complement the State's mission, for better consideration of the victims' needs. Victim support associations in France provide multidisciplinary and long-lasting support to victims.

France Victimes is a federation of 130 victim support associations, encompassing more than 850 locations across France to welcome and support victims. This network of associations, made of over 1.500 professionals, allows close and local intervention, global and personalised help, for as long as the victim needs it, in three main fields: legal, psychological, and social support. Their services are anonymous and free of charge.

Victims' associations

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

The French Association of Victims of Terrorism (AfVT) was created in February 2009, specifically to allow victims of terrorist attacks benefit from personalized psychological and legal support to address the trauma they may have developed because of an attack as well as to prevent secondary victimization.

Certified psycho-trauma experts

In this regard, it should be noted that the EUCVT has compiled a list of Psycho-trauma experts in Europe, who have all been invited to join the online Hub of expertise with a view to exchanging best practices and increasing expertise at national level.

In France, the National Center for Resources and Resilience (CN2R), was created under an initiative of the DIAV with the intention to carry out research and share knowledge on psycho-trauma, to further improve the support provided to all victims.

Further reading:



- Sadowski, I., Okroglic, P. (2019) VOCIARE National Report France
- 🌐 France Victimes
- 🌐 French Association of Victims of Terrorism (AfVT)
- 🌐 National Center for Resources and Resilience (CN2R)

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 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 advice in person in EU Member States. The costs involved shall be borne by the Member State making the request for assistance.

Contact details

eucvt@victimsupporteurope.eu

Further reading:

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

