



HANDBOOK

ON VICTIMS OF TERRORISM

BELGIUM

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.

Belgium is among those European countries with a recent history of terrorist victimisation. On 22 March 2016, Belgium was shaken by two terrorist attacks occurring almost simultaneously, at

Brussels Airport and in the centre of Brussels. During these attacks, 32 people were killed and more than 300 people were wounded. The 2016 Brussels attacks will remain deeply embedded in the minds of the Belgian people as the incident with the largest number of victims, on Belgian territory, recorded. Unfortunately, these attacks were not isolated incidents – other devastating attacks have affected the country over the past 40 years: the Nijvel Gang attacks in the 1980s; 2011 Christmas Market attack in Liège; and 2014 attack on the Jewish museum in Brussels. Appropriate recognition for all victims affected by terrorist attacks, in Belgium and abroad, is therefore paramount.

Following the 2016 Brussels attacks, the Belgian House of Representatives gave a Parliamentary Inquiry Committee, consisting of parliamentarians and independent experts, the mandate to reconstruct the events that led to the attack, and to analyse the support provided to victims of the attack during the emergency response phase. The Parliamentary Inquiry Committee's final report indicated the need for an improved response framework. In light thereof, Belgium has made several policy and legislative changes to better accommodate the rights and needs of victims of terrorism in the aftermath of an attack.

This Handbook provides a short overview on the Belgian framework relating to the rights and needs of victims of terrorism as implemented in light of relevant EU legislation, without aiming to be exhaustive in its content.

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

TERRORIST ATTACKS

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

Key characteristics

Influential key characteristics include:

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

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

Scale

The scale of the attack (the number of those killed or wounded) varies from event to event. In the Halle attack in 2019, 2 people were killed and 2 people were seriously injured. 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 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, two attacks in Brussels occurred within an hour of each other; 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: 2016 BRUSSELS ATTACKS

Scale

On 22 March 2016, 32 victims from 13 countries lost their lives and 340 people were injured in two coordinated attacks in Brussels. Three of the perpetrators were also killed.

Location

The attacks took place in two different locations: the first attack at Brussels Airport was quickly followed by another attack in the centre of Brussels, below ground, in the Maelbeek metro station. Given the location of the attacks, many foreigners were affected.

Timing

The two attacks in Brussels occurred within an hour of each other. At 07:58 AM, two bombs exploded, consecutively, in the departure hall of Brussels Zaventem Airport. At 9:11 AM, a third bomb was detonated inside Rue de la Loi's Maelbeek underground station, between the European Parliament and the Belgian Parliament, in Brussels city centre.

Weapons

The terrorists used home-made nail bombs.

Target groups and organisation

Islamic State (also known as ISIS or Daesh) claimed responsibility for the day's attacks.

Further reading:

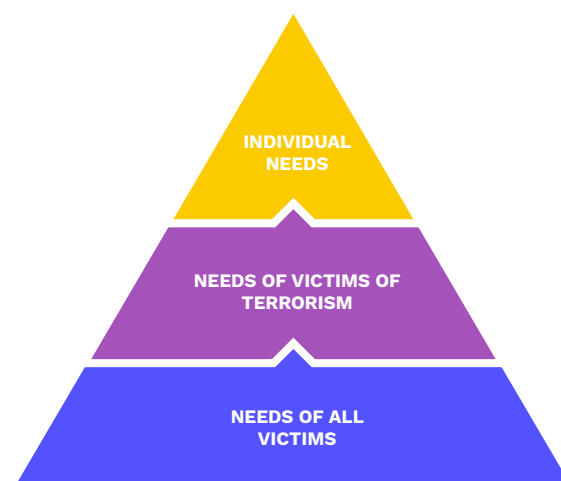


- Europol (2020) TE-SAT Report
- Institute for Economics and Peace (2019) Global terrorism index
- EN/NL/FR BE Inquiry Committee March 2016 Terrorist Attacks

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.

The needs of all victims of crime are divided into five major categories, which form the basis of the identified rights in the Victims' Rights Directive as well as Title V of the Counter-terrorism directive:



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. *E.g. The Belgian Statute of Solidarity for Victims of Terrorism*
2. Support: medical care, specialised psychological-trauma care, information, practical assistance, legal assistance, communication (media) support, peer support, etc. *E.g. Two associations, V-Europe and Life4Brussels, provide peer support services to victims of terrorism in Belgium.*
3. Protection: physical protection, protection from secondary victimisation. *E.g. In Belgium, justice assistants can accompany all victims of crime and their family members to court sessions, to give emotional support and to clarify procedural issues.*
4. Access to justice: safe participation in the criminal justice process. *E.g. In Belgium, a Victims' Unit ("Slachtoffercel/Cellule des victimes") has been set up within the Federal Public Prosecutor's Office to provide more thorough support to victims of terrorist attacks or other crisis situations, throughout the criminal proceedings.*
5. Compensation and restoration: financial compensation and help with the financial impact of a terrorist attack. Restoration includes overall recovery and restorative justice processes. *For instance, Belgium has flexible procedures in place for victims of terrorism who apply for state compensation.*

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 BELGIAN LAW

Victim of Terrorism

Belgian law does not contain a general, common definition for a victim of crime, nor for a victim of

terrorism. A victim is regarded as 'person, or their legal representative, against whom an offence has been committed, as established by a judgment or a verdict' (la personne à l'égard de laquelle un jugement ou un arrêt établit que des infractions ont été commises ou son représentant legal). Certain bylaws give specific definitions that differ from this common interpretation, such as the rules on financial compensation, where the victim is defined as a direct victim or their next of kin. In addition, legislation on the statute of national solidarity was adopted in May 2017, which redefines the status of victims of terrorism.

Terrorist offence

The Law of 19 December 2003 on terrorist offences criminalises a number of terrorist offences under Belgian law, and was included in the Title Iter (articles 137-141ter) of the Belgian Criminal Code. These articles were amended in 2018 and 2019, in light of the provisions in the Counter-terrorism Directive.

In Title Iter of the Belgian Criminal Code, a terrorist offence is defined as an intentional act committed towards a country or an international organisation with the intent to intimidate the population, to severely disrupt the fundamental structures of a country (or an international organisation), or to coerce a country (or an international organisation) into completing, or refraining from taking, a certain action. Title Iter lists a number of criminal acts that are considered terrorist offences when they fulfil the conditions outlined in the definition, including murder, hostage-taking, and the ownership and/or dissemination of weapons and other explosive substances. The articles in Title Iter further punish participation in any terrorist group activities.

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. Victims of terrorism have increased risks to be diagnosed with post-traumatic stress disorders 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?
- De Backer, K. (2019) VOCIARE National Report Belgium
- German Presidency Report (2020) State of play regarding support to victims of terrorism, particularly in cross-border situations
- La loi relative aux infractions terroristes – Title I ter of the Belgian Criminal Code
- La Loi relative à la création du statut de solidarité nationale, à l'octroi d'une pension de dédommagement et au remboursement des soins médicaux à la suite d'actes de terrorisme/ Wet betreffende de oprichting van het statuut van nationale solidariteit, de toekenning van een herstellpensioen en de terugbetaling van medische zorg ingevolge daden van terrorisme

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 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 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 BELGIUM

Identification of victims

The 2016 Brussels Attacks revealed a number of problems in the process of registering and correctly identifying victims. To avoid similar problems in the event of future disasters or attacks, a number of procedures are being set up to ensure the more efficient and consistent registration of the names and addresses of victims. Firstly, the Federal Public Service Health is developing a tool to share victims’ information with actors involved in the emergency phase. Secondly, measures are being developed to ensure that all victims arriving at a Victim Assistance Centre are properly registered. Lastly, a self-registration point is being considered, given that not all victims affected connect with victim support services in the aftermath of an attack.

The Disaster Victim Identification team of the Federal Police (DVI team) is in charge of organising the victim identification process, which is largely based on Interpol guidelines. Cooperation with the Federal Public Service Health and the Red Cross is ensured throughout this process. Victim identification includes the recovery of victims’ remains; the post-mortem examination of said remains, and interviews with victims’ families to receive a more detailed description of the victims; and after review by the identification committee, the delivery of a death notification to the victim’s family. The same DVI official, together with a victim care-worker of the local police, will be present in all conversations with victims’ families.

In the acute phase following an attack or crisis, the Red Cross will be in charge of the operational coordination of the Family Reception Centre (FRC). At the FRC, information and psychosocial support is offered to victims’ families. The Centre will also function as the place where meetings on the identification of victims with the DVI team will take place.

Respect and recognition

Belgium recognises the victim’s rights to respect and recognition through its national solidarity statute, commemorative events and other initiatives, which are detailed below.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

Additional meetings between DVI team and victims/relatives of victims

After the terrorist attacks in Brussels, the Federal Public Prosecutor's Office took the initiative to organise additional meetings for the families of the deceased victims, the pathologists and the DVI team, with the assistance of the judicial victim support services. These meetings gave relatives an opportunity to ask for information, for instance on the circumstances, causes, and location of the death of their loved ones. For the victims not residing in Belgium, similar exchanges were organised via Skype, with the help of local police services and the Federal Public Prosecutor's Office.

Statute of victims of terrorism

A statute of victims of terrorism can allow Member States and organisations to offer specific services and support measures.

In Belgium, the statute for victims of terrorism not only forms an acknowledgement of, but also a condition to receive, a recovery pension and other forms of support, such as the reimbursement of medical expenses.

Commemoration events

On 11 March each year, the European Remembrance Day for victims of terrorism is organised with victims and for victims together with the European Commission.

In the aftermath of the Brussels attacks, Belgium set up other forms of commemoration. Different initiatives have been staged, such as personal meetings with victims and their family members with high-ranking officials. A meeting with the King and Queen of Belgium was an important moment of recognition by the government for many victims after the attacks in Brussels in 2016.

Each year on March 22nd, a commemoration for all victims of terrorist attacks in Belgium and abroad, which involved Belgian victims, is organised by the Chancellery of the Prime Minister.

Monuments

Monuments create a physical place where victims can gather to share their individual loss with society. After the Brussels attacks, a number of physical memorials were created. One of which is located in the Sonian Forest, where a tree was planted for each of the 32 victims, who lost their lives on 22 March 2016. The Belgian artist van Innis created a memorial, consisting of eight faces, to complemented his previous art work that has been in Maelbeek metro station since 2000.

Another monument for all victims of terrorist attacks, titled «Blessés mais toujours debout face à l'inconcevable» /«Gewond maar steeds overeind tegenover het onbegrijpelijke» (“Wounded but Still Standing in Front of the Inconceivable”) is located at Rue de la Loi in Brussels, close to the Schuman roundabout and the European quarter. This monument depicts two stainless steel plates that rise skywards, facing each other but separated by a space between them. It aims to deliver a message rejecting violence, while leaving room for dialogue and hope. The monument was created by the Belgian artist Jean-Henri Compère and inaugurated on 22 March 2017 in the presence of the King of Belgium.

Further reading:



- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- Rapport de la vision - Groupe de travail technique Suivi psychosocial / Visietekst – Technische werkgroep Psychosociale opvolging
- German Presidency Report (2020) State of play regarding support to victims of terrorism, particularly in cross-border situations
- La Loi relative à la création du statut de solidarité nationale, à l’octroi d’une pension de dédommagement et au remboursement des soins médicaux à la suite d’actes de terrorisme/ Wet betreffende de oprichting van het statuut van nationale solidariteit, de toekenning van een herstelpensioen en de terugbetaling van medische zorg ingevolge daden van terrorisme
- Interpol (2018) Disaster Victim Identification Guide
- FR/NL Monument to commemorate the victims of Brussels attacks in Sonian Forest
- Memorial to commemorate victims of Maelbeek attack
- Commemorative sculpture 22/03, located on Rue de la Loi
- European Commission (2020) EU Strategy on victims’ rights (2020-2025)
- VSE (2019) Remembering Victims of Terrorism: A guidance document

1.3 VICTIMS' RIGHTS TO ACCESS INFORMATION

THE RIGHTS UNDER EU LAW

The Victims' Rights Directive and the Counter-terrorism Directive set out the following minimum scope of 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 BELGIUM

Under Belgian law, these minimal requirements have been implemented as follows.

The victim's right to receive information is embedded in the Code of Criminal Procedure, and is further elaborated by concrete and binding guidelines of the Board of Public Prosecutors. From their first contact with the police, victims should receive basic information on relevant legal, practical and financial matters. Police officers can

decide what information should be provided to the victim, on a case by case basis, in line with details provided by the victim and an informal evaluation of the victim's circumstances. In the context of the judicial proceedings, justice assistants will provide victims with all necessary information on their rights.

The victim's right to receive information on their case is quite extensive in light of the Belgian Criminal justice system. However, certain features are only available to victims with the status of civil party to the proceedings. In criminal proceedings, particularly in sensitive terrorism cases, it is often difficult to balance the need for, and right to, information versus the need to protect the integrity of the enquiry. Belgium has had to consider these aims and specialised prosecutors, trained and charged with working with victims of terrorism, help achieve the right equilibrium.

Belgian language law stipulates that information should be available in all three official languages, Dutch, French and German. Some information leaflets and documentation available on the website of the Ministry of Justice or in the decentralised victim support centres are also available in other languages. In addition, victims have the right to be assisted by an interpreter.

The Federal Crisis communication centre is in charge of analysing the needs of the population with regard to government-crisis communication. Since the aftermath of the Brussels attacks, measures have been taken to guarantee a better transfer of information to victims and the public. These include processes to ensure more efficient and consistent registration of victims and the overall coordination of information provision.

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.

Belgium has a dedicated website for Belgian citizens who are victims of a terrorist attack abroad. While it focuses on this specific category of victims, the website provides useful information for other victims as well. The website was developed in cooperation with victims of terrorist attacks abroad and peer support groups for victims of terrorism.

Furthermore, a website and a helpline for the Central Counter for Victims of Terrorist Attacks and Major Disasters are currently being developed (See below Chapter 1.4). This Central Counter may be activated in future terrorist attacks or disasters, both in Belgium and abroad, involving Belgian citizens, and will function as a central contact point for all victims, including cross-border victims. The Counter can directly refer victims to various institutions, such as victim support services.

Further reading:



- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- De Backer, K. (2019) VOciare National Report Belgium
- German Presidency Report (2020) State of play regarding support to victims of terrorism, particularly in cross-border situations
- 🌐 NL/FR Guide pour les victimes belges d'une attaque terroriste à l'étranger
- Belgian Code on Criminal Procedure, Chapter 1 (preliminary provisions) §3bis

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 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 BELGIUM

In Belgium, several services – within their scope of competence – are involved in the provision of support to victims: victim care-workers at police stations, judicial victim support services, and victim support organisations. Initial care is offered by victim care-workers at the police stations. Other services, such as the support of justice assistants in the justice houses in light of criminal proceedings, are provided at a later stage. There are 28 justice houses in Belgium that are inter alia tasked with the provision of information and support, in relation to the various judicial procedures, to the general population, particularly to victims and their family members, with a view to rendering the

justice department and proceedings accessible to everyone. All services offer differentiated, yet complimentary interventions and work together to coordinate their actions.

The Code of Criminal Procedure provides a legal basis for the victims' right to access generic and specialised services related to the judicial procedure. These services are offered free of charge by the state, namely by the justice assistance of justice houses, and include emotional and practical assistance during the various stages of the procedure.

Victim support is also offered by victim support organisations that are recognised by the Belgian government and operate independently of police and judicial authorities, for instance CAW in Flanders. In general, they provide practical and psychological assistance to victims free of charge and for as long as necessary.

The referral of victims can take place for a number of reasons. When criminal proceedings are initiated, the magistrate may refer the victim to the justice houses, where they will receive information on the proceedings as well as assistance and support from justice assistants throughout the proceedings. In turn, justice assistants inform victims of other forms of support, such as psychological assistance, legal advice or financial support. The referral of victims to victim support organisations is possible with the explicit agreement of the victim.

In the aftermath of a disaster or a terrorist attack, specialised support and assistance to victims of terrorism will be coordinated at the Federal level during the acute phase. In the longer term, this role is taken by the coordinators aftercare at Community level. The permanent role of coordinator aftercare at Community level was created after the Brussels attacks to ensure coordination of longer-term support for future victims of terrorist attacks or other disasters.

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 - such as the Coaching Services of V-Europe. 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 to get information and support.

In the aftermath of an attack, a victim assistance centre will be set up by the Belgian Federal Public Service Health, in cooperation

with the local communities, victim-care workers at local police services, and the Red Cross. This centre will ensure registration of all victims. Information and support will also be offered to victims.

Once the DVI team (Disaster Victim Identification Team of the Federal Police) has started identifying victims, a reception centre for victims' relatives is also established to provide information and psychosocial assistance, if needed. This reception centre is coordinated by the Red Cross.

Central contact point within government

A Central Counter for victims of terrorist attacks and major disasters was set up in 2019, within the Victims' Unit of the Belgian Federal Public Prosecutors' Office. When it is activated in the aftermath of a future attack or disaster, and for weeks afterwards, the Central Counter will act as a central contact point and signpost for all those affected, including cross-border victims. The Central Counter collaborates with partners, including the coordinators aftercare of the Communities, the judicial victim support services, and recognised victim support organisations. A website setting out information on the Central Counter, including a FAQs page, is currently being developed.

Coaching services for Victims of Terrorism

In 2021, the Belgian Federal government allowed the victims' association, V-Europe, implement their "coaching services" for victims of terrorism (also called Resource Coordination Project). This pro-active service is aimed at helping victims of terrorism to navigate their case, while taking into consideration "collateral damage" and risks of secondary victimisation. The goal of this service is to centralise and better coordinate help for victims of terrorism and to complement and support existing services that work with victims of terrorism in Belgium.

Showing of surveillance footage

After the Brussels attacks, many of the victims felt it would help to see what happened and where their loved ones were during the attack. At the same time, it was recognised that this could be a very difficult experience for

the families. The investigative judge released footage from the surveillance cameras, and these images were shown, upon request, to relatives and victims that were civil parties to the criminal proceedings. Recognising the potential trauma involved, victims or families members could rely upon the judicial victim support service for assistance during the viewing.

Other types of support

In Belgium, apart from an absence of leave available for personal injury and incapacity, employees are entitled to be absent from work for a certain period of time when a family member dies and a longer leave of absence is granted to enable employees to look after injured family members. Nonetheless, in many instances, this leave is unpaid, or only partially paid, which has a financial impact on the victims and family members. It should be noted that any leave of absence and its related pay rate are at the discretion of a doctor or the employer.

Further reading:



- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- De Backer, K. (2019) VOciare National Report Belgium
- German Presidency Report (2020) State of play regarding support to victims of terrorism, particularly in cross-border situations
- 🌐 Centrum Algemeen Welzijn (CAW)
 - Rapport de la vision - Groupe de travail technique Suivi psychosocial / Visietekst – Technische werkgroep Psychosociale opvolging
- 🌐 NL More information on victim support
- 🌐 FR More information on victim support

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 RIGHTS IN BELGIUM

In Belgium, victims can take an active role in criminal proceedings in two capacities: injured party and civil party. They should be officially registered to take up such roles. Victims acting as both injured parties and civil parties have the right to be heard by court and the right to provide, at various stages of the proceedings, information that they consider relevant for the case file. When they make a declaration to become an injured party to the proceedings, victims will be told the date and time of hearings, the decision not to prosecute and the reasoning therefore, and the instigation of the criminal investigation

led by an investigative judge.

When bringing a claim as a civil party, victims can participate fully in the criminal proceedings. As a civil party to the proceedings, victims can claim damages in the context of the criminal proceedings, request the investigative judge to conduct additional research, and ask to see to the case file.

Victims have the right to legal aid at all stages of the criminal proceedings. Each victim can receive free legal aid for initial consultations with a view to receive practical information, legal information, an initial legal opinion, or a referral to a specialist body or organisation (this is called "primary legal aid"). Victims can further request pro bono representation throughout the proceedings, if they pass a means test (this is called "secondary legal aid"). The conditions for passing the means test are stipulated in Book IIIbis of the Belgian Judicial Code. Victims pass the means test if their income falls below a fixed income threshold or if they belong to one of the defined vulnerable groups, including minors and people with disabilities.

Victims of terrorism may be reimbursed (based upon paid invoices) their lawyer's fees as part of the financial aid granted by the State, through the Commission for Financial Aid for Victims of acts of Violence – Terrorism Division. The cap on the lawyer's fees is 12.000 €. This reimbursement is not subject to the means test.

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.

In Belgium, victims that take part in criminal proceedings for large scale attacks or disasters, receive broader forms of assistance throughout the proceedings. Apart from the support offered by justice assistants, they will, for instance, be accompanied by psychologists and Red Cross support workers.

INTERNATIONAL PRACTICE: LARGE-SCALE TRIALS IN FRANCE

For the trial held following the 2015 Paris attacks, a courtroom of 550 seats was built within the heart of the historic Paris courthouse. At least 17 additional rooms, allowing the broadcasting of the proceedings, were put in place and a secure web radio, for

victims wishing to follow the hearings from their homes, was established.

Furthermore, as an example of positive practice in relation to the victim's right to be heard, it is worth mentioning that in the context of the Paris trial for the January 2015 attack, victims were allowed to provide 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.

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. This enquiry has led to a number of recommendations for improvements.

Victims' Unit

In the aftermath of the Brussels attacks, the Federal Public Prosecutor's Office set up a Victims' Unit ("Slachtoffercel/Cellule des victimes") to support victims of attacks or crisis situations throughout the criminal proceedings. It organised inter alia, for the victims acting as civil parties in the criminal proceedings, two information sessions on the attacks in the presence of the investigative judge, the police officers involved, and other experts working on the case. These sessions, which were organised 6 months and 2 years after the attacks, were held behind closed doors and enabled victims to pose their questions directly to those leading the investigation. The sessions were recorded and remain available to the parties to the criminal proceedings.

Further reading:



- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- De Backer, K. (2019) VOIARE National Report Belgium
- German Presidency Report (2020) State of play regarding support to victims of terrorism, particularly in cross-border situations
- The Belgian Judicial Code
- EN/NL/FR BE Inquiry Committee March 2016 Terrorist Attacks
- 🌐 NL Schematic of Criminal Justice process
- 🌐 FR Schematic of Criminal Justice process

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 RIGHTS IN BELGIUM

In light of the criminal proceedings, justice assistants will inform victims about the possibilities for support and protection with respect to their participation in criminal proceedings. Such protection measures can include video hearing, court sessions behind closed doors, accompaniment to court sessions by justice assistant to provide emotional support and clarify procedural aspects of the court session.

Under Belgian law, it appears that no systematic screening for individual protection needs exists for all victims. However, in practice, the vulnerability of victims may be assessed and taken into account by the various authorities that come into contact with victims.

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 practise reliable, respectful messaging, to prevent the spread of rumours and to contribute to the recognition of those affected by terrorist attacks, government officials must work hard to communicate with the media.

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

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

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.

Further reading:



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

1.7 VICTIMS' RIGHTS TO PROTECTION: SECONDARY VICTIMISATION

THE RIGHTS UNDER EU LAW

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

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

Causes

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

- repetition of statements in police 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 RIGHTS IN BELGIUM

See above in subchapter 1.6, in the section on rights in Belgium.

There is no information about any additional activities aimed at preventing the secondary victimisation of victims of terrorism.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

Interaction with insurance companies

In the aftermath of the Brussels attacks, it became apparent that the standard application procedures and forms for insurance claims were traumatising for victims of a terrorist attack. In response, a law on the procedure for insurance claims of victims of terrorism was expected to be enacted in 2018-2019. This law proposed inter alia a complete

coverage for all forms of terrorist attacks and the establishment of a single point of contact amongst insurance companies. In July 2021, this law has still not been approved.

Due to a lack of legislation, it appears that many questions regarding the intervention of insurance companies and repeated medical examinations for victims of terrorism remain unanswered. As long as the legislation has not been passed, competent authorities may take steps to ensure victim-sensitive intervention by insurance companies, thereby protecting victims and victims' families from instances of secondary victimisation.

Further reading:



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

1.8 VICTIMS' RIGHTS IN RELATION TO ACCESS TO COMPENSATION

THE RIGHTS UNDER EU LAW

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

- 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 BELGIUM

The Commission for Financial Aid for Victims of Deliberate Acts of Violence provides compensation and financial aid for victims in Belgium. This Commission offers financial aid, but not full compensation, to victims if the perpetrator is either unknown or insolvent. The Commission operates according to the principle of subsidiarity: every other applicable form of compensation (e.g. insurance) must be exhausted before the Commission intervenes. Following the principle of subrogation, the Commission can further grant aid to a victim that is still waiting

to receive money from an insurance company and, afterwards, take the place of the victim to recover the aid granted to the victim from the insurance company. Victims may also apply to the Commission for emergency funding.

Until 2016, the maximum amount of compensation offered by the Commission was capped at €62.000, and at €15.000 for emergency funding. Victims also had to wait for the verdict in a court case, in which they had the status of party to the criminal proceedings, before receiving compensation. As a result, the procedure was long and complex, and negatively impacted the victims.

After the Brussels attacks, the Government introduced a swifter, more enhanced, procedure for victims of terrorist attacks and a specialised Terrorism Division within the Commission for Financial Aid. The maximum amount of compensation has been more than doubled (from €62.000 to €125.000), the ceiling for emergency funding has been raised from €15.000 to €125.000, and the amount of paperwork required has been reduced. A single contact person for victims of terrorism was assigned to answer all questions and to facilitate access to victim compensation and services. Quick financial assistance can now be provided to victims of terrorism on receipt their application, if the event has been officially recognised as an act of terrorism by the Belgian Government.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

Access to information

On its website, the Belgian Commission for Financial Aid for Victims of Deliberate Acts of Violence clearly sets out the steps that victims

of terrorism need to undertake in requesting compensation from the State Compensation Fund. The website is available in Dutch and French, though some sections are available in German and English. The Commission for Financial Aid has also produced an information guide on the process for claiming state compensation for victims of terrorism.

INTERNATIONAL PRACTICE: EMERGENCY PAYMENTS AND COMPENSATION TO VICTIMS OF TERRORISM 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 the victims’ 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 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 recognised, 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.

In addition, 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
- 🌐 NL/FR Victims of Terrorism: Belgian state compensation
- NL/DE/EN/FR Belgian Commission for Financial Aid for Victims of Deliberate Acts of Violence - Terrorism Division: Handbook on Financial Aid

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 BELGIUM

Compensation schemes

Belgians, who are victims of crime whilst

abroad, enjoy the same rights to compensation and support as those who are victims of crime committed in Belgium. Foreign victims of crimes committed in Belgium enjoy similar rights as Belgian citizens. Victims, regardless of their nationality or residence status, can claim compensation and financial aid from the Commission for Financial Aid for Victims of Deliberate Acts of Violence.

Participation in criminal proceedings

To be able to fully participate in criminal proceedings, foreign victims can become civil parties to the proceedings. To do so, victims require an address in Belgium, which can be the address of their Belgian lawyer.

Translation of official documents

In the aftermath of the Brussels attacks, the authorities struggled with the interpretation and translation of all the documents for the victims. The gap was often filled by volunteers and NGOs. However, most relevant judicial inquiry documents have now been translated into several languages, specifically those languages spoken by the majority of foreign victims (e.g. Spanish, Italian, Polish).

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

Access to psychosocial support

In Belgium, cross-border victims have the same rights, in relation to accessing psychosocial support, as Belgian victims following a terrorist attack. In this regard, the coordinators aftercare at Community level play an important role in supporting cross border victims of terrorism, following the emergency phase, as they have contacts with the Federal Public Service of Foreign Affairs and with victim support organisations, such

as Victim Support Europe. Their task is to ensure that cross-border victims have access to support in Belgium before they travel back to their country of residence, or, for Belgian victims of terrorist attacks abroad, upon their return to Belgium.

Belgian victims of terrorist attacks abroad

The Victims' Unit of the Belgian Federal Prosecutor's office has developed a website with specific information for Belgian victims of terrorist attack abroad. This website is available in French and Dutch.

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
- 🌐 NL/FR Guide pour les victimes belges d'une attaque terroriste à l'étranger

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

The 2016 Brussels attacks had an impact on children and young people: for example, a group of secondary school students were leaving

for a school trip from Brussels airport at the time of the attack. However, the effect of the terrorist attacks on children and young people was not specifically taken into account by the post-attack Parliamentary inquiry and technical working groups. This may be considered a blind spot in light of the response to future terrorist attacks.

Interactions between TV broadcasting or written media and children

In the immediate aftermath of the Brussels attacks, the national security status was raised to level 4 – meaning ‘the security situation is estimated to be very serious with a significant and very imminent threat to public safety’ – which resulted in the closing down of all schools, public services and public transport.

Children’s television channels were the first point of information for many children, young people, and parents. The Flemish television channel KETNET dedicated its Youth news to the Brussels attacks. The approach to bringing the news was nuanced, child-friendly, and informative: it provided important coping tools for children (and their parents) by referring to questions from children on the events, on their safety, and on other elements of concern in the aftermath of the largest terrorist attack in Belgium. The Youth news was applauded by professionals and was used as a training tool for crisis support providers.

Interaction between caregivers and children

The GO! Education of the Flemish community

took the initiative to proactively provide teachers and schools with the information and support materials necessary to address the Brussels attacks. Flemish education system teachers and educational staff received information on the terrorist threat, on the practical implications of the heightened security measures, and were given tools to communicate with, and support, children. General materials were also provided to promote in-class discussion and support measures with the children in their schools. For instance, a guide on how to work with children on terrorism and social media was shared with educational staff and parents.

The strength of these school initiatives lies in the opportunity to assess the psychosocial needs of children that were affected and to prevent (re)traumatisation.

Helpline for children and youth in Flanders

In Flanders, ‘Awel’, a non-governmental, volunteer-led service can be contacted by children and young people, anonymously and free of charge, to receive information or to discuss their problems. Awel can be reached by phone, chat or email. Awel also has a website providing age-appropriate information to children and youngsters.

Further reading:



- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- EN/NL/FR BE Inquiry Committee March 2016 Terrorist Attacks
- 🌐 Awel

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 experience 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 BELGIUM

Following the Brussels attacks, the Parliamentary Inquiry set out a number of recommendations on how to respond to a terrorist attack in the future. The inquiry recommended that multidisciplinary working groups should be established to improve and coordinate specific support to victims in the aftermath of an

attack. One of the technical working groups was tasked to review, and elaborate on, the inquiry's recommendations on psychosocial support. This technical working group prepared a vision text for psychosocial follow-up as a result of the discussions and research.

In what follows, the organisation of support for victims of terrorist attacks will be discussed largely based on the content of this vision text, which focuses on an integrated system of psychosocial support for victims involved in collective crisis situations. In the vision text, psychosocial follow-up is defined in broad terms: fulfilment of basic needs (safety, food and drink, housing, etc.), access to information (of the event, relatives, etc.), emotional and psychosocial support, practical support and medical assistance.

PREPARATION AND TRAINING – NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES Planning and co-operation

The vision text for psychosocial follow-up recognises the need to establish a comprehensive response framework that encompasses intervention strategies, communication frameworks, cooperation agreements between various institutions, and identification of potential risks for all collective crisis situations.

In Belgium, crisis planning comes under Federal jurisdiction and involves different administrative levels. The approach to planning and preparation focuses on the multidisciplinary participation of five different disciplines: security operations; medical, sanitary and psychosocial assistance; police; logistics; and information.

The Psychosocial Intervention Plan (PSIP) is part of the general emergency and intervention planning and falls within the competence of the Federal Public Service Health. The Plan was adopted as a generic flexible response that adapts to the needs of each specific crisis situation. It describes the modalities of the activation and coordination of psychosocial follow-up measures for all those affected (victims, victims' families, first responders, etc.) in the acute phase of a collective crisis situation. After the acute phase, the Plan for Psychosocial Aftercare is activated, under the competence of the coordinators aftercare at Community Level.

Training

The vision text indicates a need for appropriate training to be given to all support workers and first responders coming into contact with victims. The inclusion of psychological first aid training within the first responder basic training curriculum fulfils this requirement. However, support workers should be given specific training on how to deal with those affected by collective crisis situations.

Furthermore, guidelines should be developed for governmental officials on how to communicate with victims, for the general population on resilience, and for the media on how to report in the crisis situation.

EMERGENCY RESPONSE PHASE – NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES Psychosocial intervention plan (PSIP) – acute phase

In the acute phase, the Psychosocial Manager at Federal Public Service Health is responsible for the Psychosocial Intervention Plan. The Psychosocial Manager's tasks, at this time, are to conduct an impact analysis of the crisis

situation, to activate the PSIP, and to coordinate the PSIP. In doing so, the Psychosocial Manager acts as the central contact point for all actors involved in the provision of psychosocial victim support during the acute response phase. At the same time, a working group is set up to support the Psychosocial Manager by leading on the operational coordination of all actors providing medical assistance and psychosocial follow-up to those affected.

The following key players are involved in the acute response phase of the PSIP: local communities, victim care-workers at police stations, Red Cross, Federal Crisis Centre, the Disaster Victim Identification team of the Federal Police, social services of hospitals and companies, Federal Public Service Foreign Affairs and other actors, including victim support organisations like Victim Support Europe.

MEDIUM- AND LONG-TERM – NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES The Plan for Psychosocial Aftercare – longer term

In the longer term, the coordination of the Plan for Psychosocial Aftercare is transferred to the coordinators aftercare at Community level. Attention is thereby paid to the sharing of an updated victims' list, provision of information to victims and victims' families to ensure continuous, integrated, guaranteed, accessible support.

The following actors will be involved in the longer term psychosocial aftercare: victim support organisations (CAW for Flanders, for example), judicial victim support services, Victims' Unit of the Federal Prosecutors' Office, the DVI team of the Federal Police and Federal Public Service Foreign Affairs (in the case of cross-border victims).

Further reading:



- Rapport de la vision - Groupe de travail technique Suivi psychosocial / Visietekst – Technische werkgroep Psychosociale opvolging
- Service Public Fédéral Santé publique, Sécurité de la Chaîne alimentaire et Environnement - Le plan d'intervention psychosociale

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 BELGIUM

As previously mentioned, the coordination of a comprehensive response framework to support victims of terrorism has been clarified and improved since the Brussels attacks. The Psychosocial Intervention Plan ensures that protocols for the organisation of psychosocial follow-up are embedded in the emergency response phase. After the acute phase, psychosocial help for the victims is a competence of the Communities. The Plan for Psychosocial Aftercare is written and coordinated by the coordinators aftercare at Community level. The Plan for Psychosocial Aftercare ensures victims receive a good quality of care and access to continuous, easily accessible, confidential and free-of-charge support services.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

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

Victims' associations

Peer groups are valued because of 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.

In the aftermath of the Brussels attacks, two victims of terrorism associations were established, V-Europe and Life4Brussels.

Certified Psycho-trauma experts

While primary psychosocial care can be provided by established victim support organisations in Belgium, victims often require specialised support and assistance. It was recognised in the vision text for psychosocial follow-up that no network of certified psycho-trauma therapists, with specific expertise to treat victims of terrorist attacks or large-scale crisis situations, had been established. As indicated in the vision text, there is an urgent need to set up such a network in Belgium to ensure high-quality specialist support for victims of terrorist attacks.

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

Further reading:



- Rapport de la vision - Groupe de travail technique Suivi psychosocial / Visietekst – Technische werkgroep Psychosociale opvolging
- Service Public Fédéral Santé publique, Sécurité de la Chaîne alimentaire et Environnement - Le plan d'intervention psychosociale
- 🌐 V-Europe
- 🌐 Life4Brussels

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](#)

