



HANDBOOK

ON VICTIMS OF TERRORISM

IRELAND

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. In accordance with Article 3 of Protocol 21 on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the TEU and to the TFEU, neither took part in the adoption of the Counter-Terrorism Directive and are not bound by it. However, Council Framework Decision 2002/475/JHA continues

to be applicable to, and binding upon, Ireland and the United Kingdom.

Between the late 1960s and the late 1990s, The Northern Ireland conflict, or "The Troubles" took place on the island of Ireland. While Northern Ireland bore the brunt of the violence. The Republic of Ireland was also impacted with more than 200 terrorist-related attacks. These attacks were perpetrated by groups such as the Provisional Irish Republican Army (PIRA) and the Irish National Liberation Army (INLA), the Ulster Volunteer Force (UVF), the Ulster Defence Association (UDA), and the Ulster Freedom Fighters (UFF).

These groups' terrorist activities included bombings, shootings, kidnappings and armed robberies. As a result of these atrocities approximately 100 people lost their lives, and over 500 were injured. The biggest single loss of life occurred when four coordinated car bombs exploded in Dublin city centre (three) and in Monaghan town centre (one) on the 14 May 1974. Thirty-three people, including a pregnant mother, were murdered.

Irish citizens have also been impacted by Al Qaeda and ISIS attacks which have taken place elsewhere in the world. Nine Irish citizens were murdered in the 2001 9/11 attacks in America. In June 2015, three Irish citizens were murdered in an ISIS inspired attack in Sousse, Tunisia. Irish citizens have also suffered injury as a result of terrorist attacks on the Bataclan Paris, December 2015, a suicide bombing in Istanbul in March 2016, and a van attack on Las Ramblas Barcelona, in August 2017.

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

CRISIS RESPONSE STRUCTURE IN IRELAND

Ireland has in place a framework for major emergency management. Its purpose is to set out common arrangements and structures for front line, public sector, and emergency management in Ireland. It is based on the internationally recognized systems approach that, in essence, proposes an iterative cycle of continuous activity through five stages of emergency management:



The Framework is designed to fit with the ‘all hazards’ approach to emergency management, and has been developed reflecting best international practice, customized to suit Irish conditions. In Ireland, one of the main purposes of the Framework for Major Emergency Management is to set out the working relationship between the various elements which make up the front line emergency response.

It provides that a Lead Agency should be identified from the Principal Response Agencies, and be assigned the responsibility and mandate for the co-ordination function in Local and Regional scale emergencies. The

concept of the “Lead Agency” provides for clear leadership co-ordination and collaborative emergency management and one that fits with Irish arrangements.

Viewing co-ordination as a progressively expanding task, as the scale and complexity of the emergency increases, is regarded as crucial, as well as;

- Defining key roles and co-ordination;
- Defining and setting the parameters/ boundaries for the mandate/authority given the co-ordination responsibility;
- Identifying physical spaces to provide for, and support, co-ordination;
- Appropriate communication facilities;
- Co-ordination of media liaison
- Information management systems.

Structures have been set up at National, Regional and Local level to support development of the Framework.

National

A National Steering Group (NSG) was established and subsequently formed a National Working Group (NWG) to undertake tasks associated with the programme.

Regional

The framework established eight regional locations. In each region a Steering Group (RSG) on Major Emergency Management was formed, comprising senior personnel from the Principal Response Agencies within that region. The Framework provided that Regional Working Groups (RWGs) were to be formed to support the Regional Steering Groups and to undertake the functions assigned at regional level.

Local/Agency

At the Local/Agency level, each principal response agency is responsible for undertaking the requirements set out in the Framework.

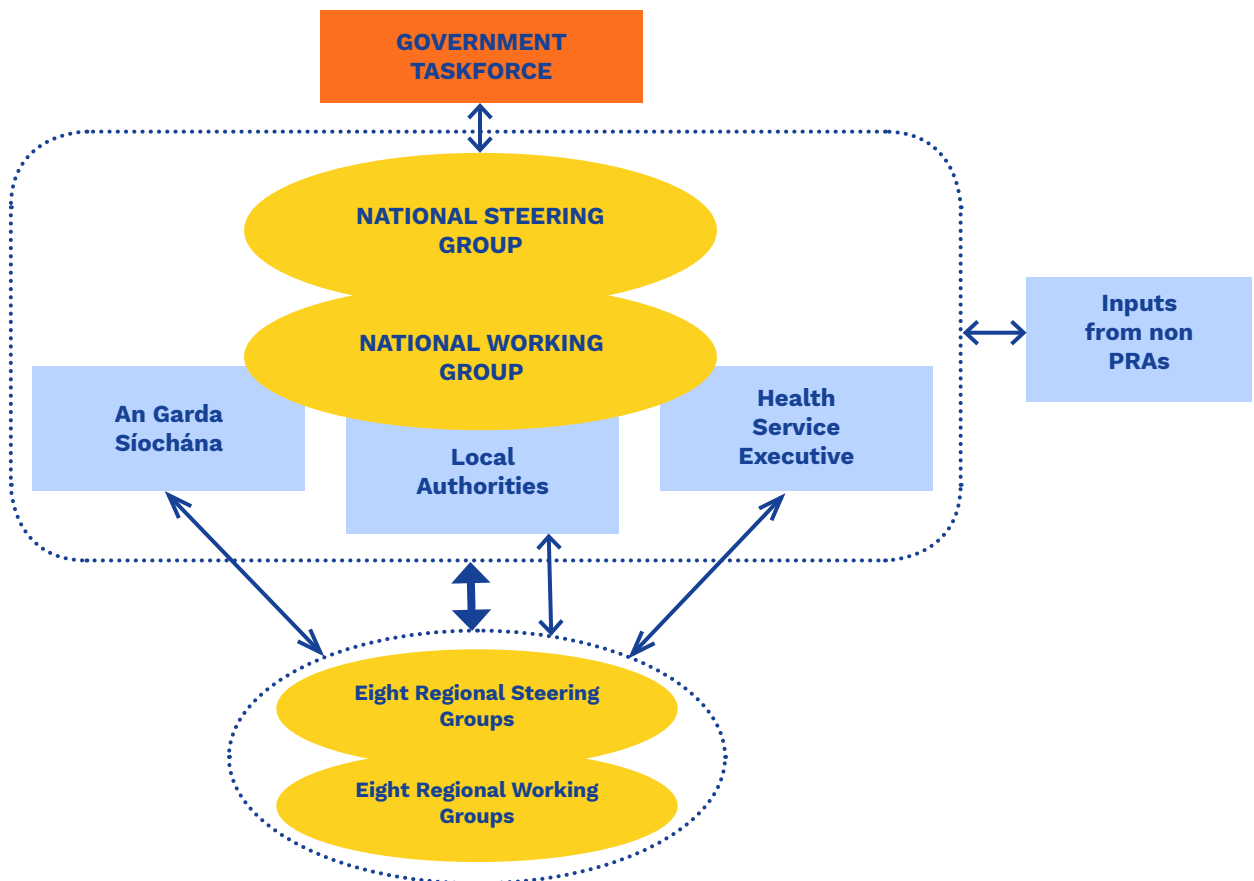
Terrorist Attacks

With specific reference to responding to a terrorist attack, the Department of Justice is the Lead Government Department and An Garda Síochána is the Lead Agency in responding to terrorist threats in Ireland. Support agencies include The Department of Defence and the Irish Defence forces, The Department of Health (Health Service Executive), Department of Transport, and the Department of Foreign affairs, if there is an International element.

Victims of terrorism abroad are supported by the State's "Embassies and consular services in other states and through its crisis centre in Dublin".

The primary response agencies, led by An Garda Síochána, engage together in preparation for a terrorist attack. Tabletop exercises are held regularly in this regard. A significant focus is also placed on preventing such attacks.

Within An Garda Síochána there is a structure in place where victims of serious crimes, and families of victims of murder and other unlawful killing, are provided with a Family Liaison Officer. These liaison officers are fully trained to provide sensitive and victim-centred support, and to work directly with the relevant victim support services.



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 consider deaths and injured. Those affected will be much larger. The greater the number of victims, the more resources are required during both the emergency response phase (e.g. hospital beds) and in the longer term (e.g. in criminal proceedings, professional mental health services, information and support providers). The larger an attack, the greater the media attention will be on the victims, their families and society.

Location

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

Timing

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

Weapons

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

Target groups and organisation

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

Cyberterrorism

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

CASE STUDY:

The Dublin and Monaghan bombings

The Dublin and Monaghan bombings of 17 May 1974 were a series of co-ordinated bombings in the counties of Dublin and Monaghan, in Ireland. Three bombs exploded in Dublin during the evening rush hour, and a fourth exploded in Monaghan almost ninety minutes later. The bombs killed 33 civilians and injured almost 300. The bombings were the deadliest attack of the conflict known as the Troubles, and the deadliest attack in the Republic's history. The Ulster Volunteer Force (UVF), a loyalist paramilitary group from Northern Ireland, claimed responsibility for the bombings in 1993.

Dublin

At about 17:30 on Friday 17 May 1974, without warning, three car bombs exploded in Dublin city centre at Parnell Street, Talbot Street, and South Leinster Street during rush hour. The streets all ran east-west, from busy thoroughfares to railway stations. There was a bus strike in Dublin at the time, which meant there were more people on the streets than usual. According to one of the Irish Army's EOD officers, the bombs were constructed so well that 100% of each bomb exploded upon detonation. Twenty-three people died in these explosions and three others died from their injuries over the following few days and weeks. Many of the dead were young women originally from rural towns employed in the civil service, or in retail. An entire family from central Dublin were killed. Two of the victims were foreign nationals: an Italian man, and a French woman.

Monaghan

Almost ninety minutes later, at about 18:58, a fourth car bomb exploded in the centre of Monaghan town, just south of the border with Northern Ireland. It had been parked outside Greacen's pub on North Road. As in Dublin, no warning had been given. This bomb killed five people outright, and another two died in the following weeks. There is evidence that the car carrying the bomb was parked only five minutes before the explosion. The bomb site, which was about 300 metres from the Garda station, was preserved by a roster of eight Gardaí from 19:00 on 17 May until 14:30 on 19 May, by which time the technical examination of the area had been completed. Forensic analysis of the metal fragments taken from the site suggested that the bomb had been in a beer barrel or similar container. It has been suggested that the Monaghan bombing was a «supporting attack»; a diversion to draw security away from the border and thus help the Dublin bombers return to Northern Ireland.

Aftermath

After the blasts, bystanders rushed to help the wounded, and emergency response personnel were on the scene within minutes. Hospitals across Dublin were put on standby to receive casualties. However, rescue operations in Dublin were hampered by heavy traffic due to the bus strike. Rescuers, feeling that help was not coming fast enough, lifted the dead and wounded, wrapped them in coats and bundled them into cars to get them to the nearest hospital. Garda Síochána squad cars escorted surgeons through the crowded streets to attend the wounded.

Further reading:

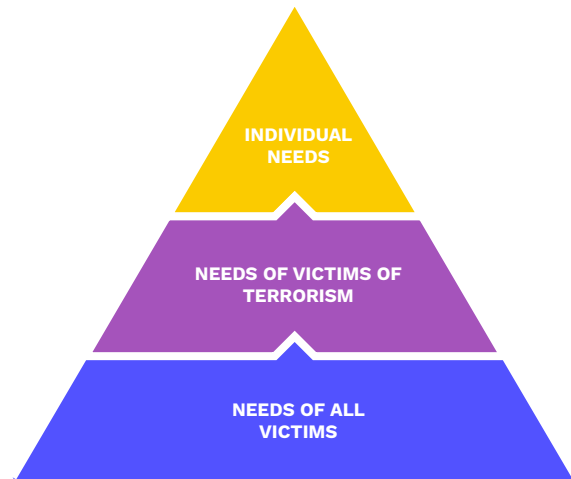


- Europol (2020) TE-SAT Report
- Institute for Economics and Peace (2019) Global terrorism index

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.

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



Needs of victims of terrorism

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

1. Recognition and respect: as victim of terrorism.
2. Support: medical care, specialised psychological-trauma care, information, practical assistance, legal assistance, communication (media) support, peer support, etc.
3. Protection: physical protection, protection from secondary victimisation.
4. Access to justice: safe participation in the criminal justice process.

5. Compensation and restoration: financial compensation and help with the financial impact of a terrorist attack. Restoration includes overall recovery and restorative justice processes.

Individual needs

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

Further reading:



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

1. THE RIGHTS OF VICTIMS OF TERRORISM

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 IRISH LAW

In accordance with Article 3 of Protocol 21 on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the TEU and to the TFEU, neither took part in the adoption of the Counter-

Terrorism Directive and are not bound by it. However, Council Framework Decision 2002/475/JHA continues to be applicable to, and binding upon, Ireland and the United Kingdom and refers to terrorist offences linked to terrorist activities, and offences relating to a terrorist group, inciting, aiding or abetting, and attempting acts of terrorism; jurisdiction, prosecution and penalties for terrorist offences, and fundamental rights and principles of victims of terrorism.

Ireland transposed the EU Victims' Rights Directive 2012/29/EU via the Criminal Justice (Victims of Crime) Act 2017 ("the Act"). The Act defines a victim as 'a natural person who has suffered harm, including physical, mental or emotional harm or economic loss, which was directly caused by an offence'.

The main counter-terrorism legislation in Ireland is the Offences against the State Acts 1939-1998. These Acts were introduced, and have been primarily used, to counter the threat posed by the IRA in all its manifestations.

While the Offences Against the State Act 1939, and its subsequent amendments was primarily introduced to deal with terrorism from a domestic perspective its provisions can be applied in an international context.

The Criminal Justice (Terrorist Offences) Act 2005 was introduced to further enhance Ireland's response to international terrorism. However, these laws do not provide a definition of victims of terrorism. Section 5 of the 2005 Terrorist Offences Act provides that a terrorist group which engages in, promotes, encourages or advocates the commission, in or outside the State, of a terrorist activity is an unlawful organisation within the meaning and for the purposes of the 1939-1998 Acts.

The Criminal Justice (Terrorist Offences) (Amendment) Act of 2015 amends the Criminal Justice (Terrorist Offences) Act 2005 to create three new offences of:

- Public Provocation to commit a Terrorist Offence
- Recruitment for Terrorism
- Training for Terrorism

These offences can carry sentences of up to 10 years imprisonment. The Act also allows Ireland to ratify the Council of Europe Convention on the Prevention of Terrorism in due course.

In Irish law (Section 2 Criminal Justice (Victims of Crime) Act 2017), a victim of crime is defined as ‘a natural person who has suffered harm, including physical, mental or emotional harm or economic loss, which was directly caused by an offence’.

The definition of a family member under the Irish law - Criminal Justice (Victims of Crime) Act 2017 - includes a spouse, civil partner, cohabitant, child or stepchild, parent or grandparent, a brother, sister, half-brother or half-sister, a grandchild, an aunt, uncle, nephew or niece of the victim. Any other person can also be deemed to be a family member, if that individual is or was ‘dependent on the victim’. Similarly, any other person can also be treated as a family member for the purpose of the legislation, if ‘a court, a member of the Garda Síochána, an officer of the Ombudsman Commission, the Director of Public Prosecutions, the Irish Prison Service, a director of a children detention school or a clinical director of a designated centre, as the case may be’ consider that the individual had a ‘sufficiently close’ connection that would justify him/her being treated as a family member.

IMPACT OF TERRORIST ATTACKS ON VICTIMS

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

Physical consequences

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

Mental health consequences

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

Financial consequences

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

Future events

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

Risk groups

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

Loss and grief

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

Further reading:



- Letschert, R.M., Staiger, I., Pemberton, A. (2010) Assisting victims of terrorism: towards a European standard of justice
- Damiani, C., Victime et traumatisme, in Tigrane Tovmassian, L., & Bentata, H. (2013) Le traumatisme dans tous ses éclats, p. 61-70
- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- German Presidency Report (2020) State of play regarding support to victims of terrorism, particularly in cross-border situations
- CODEXTER profiles on counter-terrorist capacity – Ireland

1.2 VICTIMS' RIGHTS TO RESPECT AND RECOGNITION

THE RIGHTS UNDER EU LAW Identification of victims and information about victims

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

- Establish the identity of the deceased and injured;
- Cross-refer these identities to the information received from the concerned public, friends and family members, who fear that their loved ones were at the scene;
- Enable the authorities to make sure that the loved ones are informed about the loss of life or injury of those who were identified at the scene;
- Inform external countries about the fate of their nationals.

Recognition

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

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

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

Respect

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

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

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

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

professional distance to provide the best possible support.

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

AN OVERVIEW OF RIGHTS IN IRELAND

In Ireland, a Remembrance Commission was established, in 2003, to administer a scheme of assistance and remembrance for victims of the Northern Ireland conflict, and their families. From 2003-2008, the Irish Remembrance Commission operated a Scheme of Acknowledgement, Remembrance and Assistance for Victims in this Jurisdiction of the Conflict in Northern Ireland. Under the Scheme, payments could be made to individuals under various categories, such as acknowledgement payments, economic hardship payments and medical expenses payments. The Scheme also contained a provision to enable payments to be paid to groups offering support services to victims of the conflict. Under this element of the Scheme, payments were made to Justice for the Forgotten for the purpose of meeting the counselling and other needs of victims or their family members. During the period of operation of the Scheme, Justice for the Forgotten received a total of €1.2m of the €1.5m allocated for victim support services, and was the only recipient of money under this heading. In addition, the organisation received over €890,000 from the Department of the Taoiseach between 2000-2003. The term of appointment of the Remembrance Commission came to an end on 31 October 2008 and funding under the Scheme ended at that stage.

Private initiatives recognising victims of terrorism are also met in Ireland, such as the Justice for the Forgotten - JFF is a project supporting victims and relatives seeking justice for the Dublin & Monaghan Bombings of 17th May 1974; the Dublin Bombings of 1st December 1972 – 20th January 1973, and other cross border bombings of the 1970s.

The erection of a number of memorials for victims of terrorism throughout the country has further contributed to the Irish respect and recognition policy. There are at least six memorials commemorating the memory of those who died in attacks in Dublin (2), Monaghan, Dundalk, Castleblayney, and Belturbet during “The Troubles”.

In addition, the 12 members of An Garda Síochána (the Irish Police service), who lost their lives during that period, are remembered at a memorial for all members who lost their lives in the course of their duties. The memorial is situated in a garden at Dublin Castle. Some Gardaí are also remembered at memorials erected in their home place or near where they died. The one Irish soldier, who lost his life as a result of a terrorist attack, is remembered at a memorial in his native town of Moate, in County Westmeath. Members of An Garda Síochána, who are murdered in the line of duty, are eligible to receive the Walter Scott Medal for Valour.

Although murdered in Northern Ireland, there is a memorial situated at Parnell Square, Dublin to the three members of the Miami showband who lost their lives in a terrorist attack in Newry, County Down in July 1975.

A one-off memorial service was held in Trim, County Meath, in 2016, to commemorate the 3 Irish victims of the terrorist attack in Sousse Tunisia in 2015.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

In 1985, Air India operated a Montreal–London–Delhi route. On the 23 June 1985, Air India Flight 182, a Boeing 747-237B, was blown up in Irish airspace by a terrorist bomb at an altitude of 9,400m, and crashed into the Atlantic Ocean, off the coast of South West Ireland. A total of 329 people were killed, including 280 Canadians, 27 British citizens, and 22 Indian nationals. The incident is the largest mass murder in modern Canadian history.

A memorial garden and sundial that honour the memory of the victims of the 1985 Air India disaster can be found in Ahakista in County Cork.

Further reading:



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

1.3 VICTIMS' RIGHTS TO ACCESS INFORMATION

THE RIGHTS UNDER EU LAW

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

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

AN OVERVIEW OF RIGHTS IN IRELAND

Ireland takes a mainstream approach to supporting victims of all crime. No special procedures and rules have been identified with respect to victims of terrorism. However, the Criminal Justice (Victims of Crime) Act 2017 ("the Act") states that victims of crime must be informed of their right to receive, upon request, information about their case and that a record should be taken of the information they want to receive. Garda Victim Service Offices and the investigating Garda are responsible for providing most victims with information during the investigation of a complaint as well as decisions regarding prosecution, and the time and place

of any subsequent hearings. Specially trained Garda Family Liaison Officers can be assigned for incidents that require additional sensitivity and support, such as homicides, serious assault and kidnappings.

Under the Act, interpreter and translation services are provided for victims when requested, or when it is determined by the individual Garda that it is needed.

The Irish authorities provide information to a victim of crime (including victims of terrorism) on first contact and without unnecessary delay. Information provided to victims, on the available victim support services, includes details of: specialist support services, how to make a complaint about a criminal offence; a victim's role in the criminal justice system; how and under what conditions a victim can access protection, legal advice and legal aid; compensation (for example, court-ordered compensation); available interpretation and translation services; complaint procedures, if a victims rights are not protected by the competent authority; available restorative justice services, special measures and procedures for victims residing in a member state other than where first contact was made; and contact details of the person who will communicate with the victim about the case. A victim does not have to make a complaint to access this information.

Victims of crime, including victims of terrorism in Ireland, must be informed of their right to receive, upon request, information about their court case, or criminal investigation in the pre-trial phase, and that a record is kept of the information victims receive,, according to Section 8 of the Criminal Justice (Victims of Crime) Act 2017.

Support and information can be also provided to victims of crime by the national Crime Victims Helpline (116 006). The confidential helpline provides practical and emotional support, information about compensation, and

referrals to specialised and local victim support services. Long term support and counselling is provided by a broad range of over 50 victim support services across the country. Most of these services specialise in providing support to victims of domestic violence or sexual assault. Two organisations, Victim Assistance and Support After Crime, provide services to general victims of crime and may be able to

assist victims of a terrorist attack. Support After Homicide and AdVic provide practical support, counselling and advocacy to families impacted by homicide, which could include terrorist-related fatalities. The Irish Tourist Assistance Service (ITAS) provides practical support and information to victims of crime, who are tourists, and could also play an important role in the case of a terrorist attack.

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.

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
- Maria McDonald BL, ICCL Guide for Lawyers on the Victims Directive and the Criminal Justice Victims of Crime Act 2017 (ICCL, February 2018)

1.4 VICTIMS' RIGHTS TO ACCESS SUPPORT SERVICES

THE RIGHTS UNDER EU LAW

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

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

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

AN OVERVIEW OF RIGHTS IN IRELAND

Unlike many Member States, Ireland does not have a single national organisation that provides the majority of support services to victims of crime. Services to victims are provided by a number of non-governmental organisations that focus on generalised crime, domestic violence, sexual assault as well as specialised support for child victims, and the family of

homicide victims, among others. These services are generally confidential and free of charge.

Victims of crime are made aware of these services by the Gardaí, the Department of Justice, and the national Crime Victims Helpline (116 006).

As described previously, the national Crime Victims Helpline (116 006) provides practical and emotional support, information about compensation, and referrals to specialised and local victim support services. Long term support and counselling is provided by a broad range of over 50 victim support services across the country. Most of these services specialise in providing support to victims of domestic violence or sexual assault. Two organisations, *Victim Assistance* and *Support After Crime*, provide services to general victims of crime and may be able to assist victims of a terrorist attack. Support After Homicide and AdVic provide practical support, counselling and advocacy to families impacted by homicide which could include terrorist-related fatalities. The Irish Tourist Assistance Service (ITAS) provides practical support and information to victims of crime, who are tourists, and could also play an important role in the case of a terrorist attack.

Victim Support at Court offers a national service to victims of crime, their families and witnesses, which includes information and practical support. It provides witnesses and victims with information on what to expect in court and can take prosecution witnesses to visit the courtroom before the trial as well as providing support during the trial process.

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 to get information and support.

INTERNATIONAL GOOD PRACTICES: SWEDEN AND FRANCE

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

In France, the "Centre d'Accueil des Familles" (CAF) was set up to provide immediate treatment and support to victims of the

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

Central contact point within government

Currently, the Irish government appointed a central contact point for victims of terrorism within the Ministry of Justice.

Further reading:



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

1.5 VICTIMS' RIGHT TO ACCESS JUSTICE – PROCEDURAL RIGHTS

THE RIGHTS UNDER EU LAW

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

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

AN OVERVIEW OF RIGHT TO ACCESS TO JUSTICE IN IRELAND

As Ireland takes a mainstream approach to supporting victims of all crime, victims of terrorism are granted a number of post incident rights across the criminal justice system, as are victims of all crimes.

Victims of crime, and therefore victims of terrorism, including foreign victims, receive comprehensive information on the Irish criminal justice system, their role within it, and the range of services and entitlements victims may access from their first contact with An Garda Síochána and/or the Garda Síochána Ombudsman Commission (GSOC). They are provided with information, upon request, concerning the progress of the investigation and any subsequent court proceedings. Victims have the right to receive information, upon request, in clear and concise language, and to interpretation and translation, where it is necessary to enable foreign victims to understand and be understood, during their participation in the Irish criminal justice process, and they can also provide a victim impact statement, as applicable.

Furthermore, when dealing with a victim, An Garda Síochána (Irish police), the Ombudsman Commission, the Director of Public Prosecutions (DPP), the Courts, the Courts Service, and the Irish Prison Service ensure that any oral or written communications with the victim are in simple and accessible language, and take into account the personal characteristics of the victim, including any disability which may affect the ability of the victim to understand or be understood.

During criminal proceedings, a victim may have access to an interpreter or a translator, if they need assistance to be understood. Assistance can only be sought if the victim is a witness, or is giving evidence in court and:

- a. if the victim requests assistance to be understood or to understand;
- b. it appears to the member of the Garda or DPP that assistance is needed;
- c. or the court directs an interpreter or translator.

The right of victims to be accompanied by a person of their choice at first contact is widely acknowledged and accommodated in practice across An Garda Síochána. In rare cases, victims are asked to choose another person to accompany them, if a Garda may have a concern about “undue influence”, or if a Garda believes the victim is being prevented from speaking freely. In all cases, the reasons for the decision must be documented and are subject to review by a supervisor.

The DPP have published a booklet for victims to help them understand their rights, and to request the reason for, and a review of why, a decision was made not to prosecute. The booklet is in plain, simple to understand language, and received Plain English approval from the Irish National Adult Literacy Agency (NALA).

Victims of crime, including victims of terrorism, in Ireland, must be informed of their right to receive, upon request, information about their court case, or criminal investigation in the pre-trial phase, and a record is kept of the information victims receive, according to Section 8 of the Criminal Justice (Victims of Crime) Act 2017. Upon request, a victim is entitled to information on the place and time of the trial, and the type of crime the offender was charged with, including confirmation of the charge; any final judgement of the trial; and any significant developments in the investigation. A victim is entitled to a copy of any statement made by them during the course of the investigation, including a victim impact statement.

Garda Victim Service Offices and the investigating Garda are responsible for providing victims with information during the criminal investigations. Letters are generated and posted to victims by Garda Victim Service Offices when there are significant developments in their case, and when there is a final resolution. However, it is the responsibility of the victims to follow-up with the GVSOs, to obtain detailed information about the developments.

When a Family Liaison Officer is assigned to a case, they take on the responsibility for providing information about significant developments. Family Liaison Officers are specially trained officers who can be assigned to victims or family members of victims to provide accurate and timely information on the progress of a Garda investigation. They provide contact details of victim support organisations which are available to support victims and/or their families. Contact by a Family Liaison Officer would typically be made over the phone or in person.

Both the Gardaí and the DPP are able to make decisions about whether or not to prosecute a case: victims are notified of the decision either orally or in writing.

The Irish Prison Service provides information to victims through the Victim Liaison Service. The

service operates on an 'opt-in' basis and victims must register to receive notification. Once victims notify the Liaison Service that they wish to receive updates, they will be notified of any significant developments in the management of the perpetrator's sentence as well as any impending release. Significant developments could include temporary releases, parole board hearings, prison transfers, and the expected release date. They will also notify victims if the offender dies while in custody. The Victim Liaison Officer communicates with victims by various methods, including by phone, text message, email, letter and skype.

In Ireland, all victims of crime, including victims of terrorism, who are witnesses in a case, can access interpretation and translation when giving evidence, if the victim so requests, and the DPP or the Gardaí recognise that the victim requires interpretation to be understood or to understand; or if the court directs that interpretation or translation is needed. Interpretation or translation will be provided 'as soon as practicable' and can be provided via different communication technology. Translation can also be provided orally or in writing.

A request for interpretation or translation can be refused, if it appears that the individual does not need assistance to be understood or to understand. Reasons for a refusal should be recorded and the victim should be informed, in writing, of the decision, with a 'summary of the reasons', 'as soon as practicable'. A written decision can be transmitted via electronic means.

The provision of translation services for Garda stations, courts and the prison service are provided by six translation agencies.

Translation and interpreter services are provided for victims throughout the trial phase, including when they give evidence as well as when they are observing the proceedings.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

Large scale attacks

Criminal proceedings and trials for large scale attacks are complex. Large numbers of victims and witnesses are involved, and all share the right to participate in the trial. States may need to establish special measures to facilitate participation, which may include holding trials in larger secure locations to accommodate those involved.

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

CASE STUDY - ADDITIONAL SUPPORT TO VICTIMS DURING CRIMINAL PROCEEDINGS FOR LARGE SCALE ATTACKS – GOOD PRACTICE:

In the context of the trial for the Madrid attacks of 11 March 2004, one of the largest ever held in Spain, a special pavilion was set up for social workers, psychologists and

other support staff/volunteers to provide emotional and practical assistance to victims attending the trial in person.

Public inquiries

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

Further reading:



- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- German Presidency Report (2020) State of play regarding support to victims of terrorism, particularly in cross-border situations
- Maria McDonald BL, ICCL Guide for Lawyers on the Victims Directive and the Criminal Justice Victims of Crime Act 2017 (ICCL February 2018)
- Puckhaber, M. (2019) VOIARE National Report Ireland

1.6 VICTIMS' RIGHTS TO PROTECTION: PHYSICAL AND PRIVACY

THE RIGHTS UNDER EU LAW

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

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

AN OVERVIEW OF RIGHT TO PROTECTION IN IRELAND

The legislation in Ireland that addresses the specific right to protection for victims of crime, is also applicable to victims of terrorism. There is no specific legislation addressing only victims of terrorism.

Part 3 of the Criminal Justice (Victims of Crime) Act 2017 ("the Act") focuses on the protection of victims during investigations and criminal proceedings. Section 2 of the Act defines a protection measure as 'a measure which is intended to safeguard the safety and welfare of a victim by limiting or preventing contact with, or repeat victimisation, retaliation or intimidation of, the victim by an alleged offender or any other person on his or her behalf.'

Section 15 (1) of the Act requires that an individual assessment be conducted by either An Garda Síochána or the Ombudsman Commission to identify a victim's protection needs, if any.

Section 20 of the Act permits the court to exclude the public, if they are satisfied 'that there is a need to protect the victim of the offence from secondary and repeat victimisation, intimidation or retaliation' and 'it would not be contrary to the interests of justice in the case'.

The Irish Constitution stipulates that all court cases should be public. However, some trials take place without the public being present. These include:

- Rape, defilement and incest;
- And cases where the accused is under the age of 18.

When the public is excluded from a trial, members of the media may still be in the courtroom. Usually, they cannot report the names of the accused or the victim or write anything that could help people identify their names.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

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

To make communication more manageable, state authorities can proactively approach the

media in the aftermath of a terrorist attack. However, to make the best of the relationship, communication frameworks should be defined, key messages prepared, and the timing of press releases coordinated.

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

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

In France, the French Audiovisual High Council (*Conseil Supérieur de l'Audiovisuel*, CSA) held hearings with victim support associations and other authorities, to draft

a Charter of Media Good Practices during Terrorist Attacks, which included a reminder of existing ethical guidelines.

Victims and the media/ right to privacy

It is difficult to balance the freedom of the media, the general populations' need for information and the privacy protection of victims. While speaking out in the media can be empowering for victims

and helpful to the general public, intrusive media attention may violate their privacy and negatively affect the lives of those portrayed, even in the future. Information may be (come) distorted or manipulated, by journalists or others using news footage.

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

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

Further reading:



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

1.7 VICTIMS' RIGHTS TO PROTECTION: SECONDARY VICTIMISATION

THE RIGHTS UNDER EU LAW

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

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

Causes

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

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

Solutions

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

AN OVERVIEW OF RIGHT TO PROTECTION FROM SECONDARY VICTIMISATION IN IRELAND

Victims are provided with information on victim support services, and measures deemed necessary to protect them from secondary and repeat victimization, intimidation or retaliation can be put in place during the investigation and during the court proceedings. Special measures can also be utilized for victims and witnesses when providing evidence, including evidence given via the use of live television link, screens or via intermediaries, for example, while the potential use of video-recorded statements is also possible.

As noted previously, Part 3 of the Criminal Justice (Victims of Crime) Act 2017 ("the Act") focuses on the protection of victims during investigations and criminal proceedings. Section 2 of the Act defines a protection measure as 'a measure which is intended to safeguard the safety and welfare of a victim by limiting or preventing contact with, or repeat victimisation, retaliation or intimidation of, the victim by an alleged offender or any other person on his or her behalf.'

Section 15 (1) of the Act requires that an individual assessment be conducted by either An Garda Síochána or the Ombudsman Commission to identify a victim's protection needs, if any.

Within the scope of the handbook, the authors are not familiar with any legislation in Ireland that addresses the specific right to protection for victims of terrorism.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

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

Further reading:



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

1.8 VICTIMS' RIGHTS IN RELATION TO ACCESS TO COMPENSATION

THE RIGHTS UNDER EU LAW

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

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

AN OVERVIEW OF RIGHTS IN IRELAND

In Ireland, the Criminal Injuries Compensation Tribunal administers the General Scheme of Compensation for Personal Injuries Criminally Inflicted. The Scheme allows victims of crime to apply for reimbursement of expenses they have incurred, and/or losses that they may have suffered, as a direct result of a violent

crime or personal injury received in specified circumstances.

Section 6 of the Criminal Justice Act 1993 permits a Judge to make a compensation order, if the victim has suffered personal injury or loss due to a criminal offence.

CICT considers applications for reimbursement of approved out-of-pocket expenses, including loss of earnings, experienced by the victim or the victim's dependents, if the victim has died as a result of the incident. In order for the CICT to consider a claim, the crime must have been reported to the Gardaí "without delay". In 2017, the Scheme provided €3.97 million in compensation to victims of crime.

Applications must be made to the tribunal as soon as possible, but not later than three months, after the incident. The tribunal has discretion, under the scheme, to extend this time limit if the applicant can show that the reason for the delay in submitting the application justifies exceptional treatment of the application. There is no time limit for applications in respect to fatalities. These systems do not distinguish between Irish and EU nationals, other residents and third country nationals.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS

RECOGNITION
& RESPECT

SUPPORT
INCLUDING
INFORMATION

PROTECTION

ACCESS TO
JUSTICE

COMPENSATION
& RESTORATION

EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

EMERGENCY PAYMENTS AND COMPENSATION TO VICTIMS OF TERRORISM – GOOD PRACTICE:

In France, between 24 and 48 hours after a terrorist attack, the Guarantee Fund for Victims of Terrorist Acts and Other Offences (FGTI) pays a provisional compensation sum to cover immediate costs. Thereafter, and at the latest within one month from receiving

a valid claim from the victim, the FGTI will pay out an initial amount with additional amounts paid based on costs incurred and foreseeable final damages. Additional types of harm, such as anxiety, have been recognized for compensation payment eligibility.

Further reading:



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

2. CONSIDERING PARTICULAR GROUPS OF VICTIMS

2.1 CROSS-BORDER VICTIMS

THE RIGHTS UNDER EU LAW

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

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

AN OVERVIEW OF RIGHTS IN IRELAND

Ireland has adopted EU Directive 2004/80/EC, which enables a citizen, who has suffered injury as a result of a crime of violence, to submit a claim for compensation to the appropriate authority of the EU member state in which the incident took place. Under the terms of the directive, the Criminal Injuries Compensation Tribunal has been designated as the Transmitting and Receiving Authority for the State.

In terms of managing communication requests from people abroad (including from non-English speaking communities), an Garda Síochána liaises with the Department of Foreign Affairs, and all Ireland-based Embassies/Consulates, to provide support to cross-border victims. Family members of cross-border victims are given information as soon as such information has been verified.

Ireland is unique in having a dedicated support service for tourists who become victims of crime, the Irish Tourist Assistance Service (ITAS). ITAS assists victims in accessing emergency travel documents; facilitating the cancellation of bank and credit cards; arranging money transfers; contacting family, and relevant services such as insurance and car hire companies.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

EMERGENCY PAYMENTS AND COMPENSATION TO VICTIMS OF TERRORISM – GOOD PRACTICE:

In France, between 24 and 48 hours after a terrorist attack, the Guarantee Fund for Victims of Terrorist Acts and Other Offences (FGTI) pays a provisional compensation sum to cover immediate costs. Thereafter, and at the latest within one month from receiving

a valid claim from the victim, the FGTI will pay out an initial amount with additional amounts paid based on costs incurred and foreseeable final damages. Additional types of harm, such as anxiety, have been recognized for compensation payment eligibility.

Further reading:



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

2.2 CHILDREN

THE RIGHTS UNDER EU LAW

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

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

IMPACT OF TERRORIST ATTACKS ON CHILDREN

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

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICE

Children as direct victims

In Ireland, in all cases involving child victims of crimes, including terrorism, an assessment of protection needs is performed. When conducting the assessment, the priority is the best interest of the child. A child victim is entitled to special protection measures during court proceedings, such as giving evidence via video link, the use of an intermediary, and the use of screens.

When children give evidence in court, they can do so through a video link when the facility is available in the courthouse. There are video link facilities in 45 courtrooms in 21 courthouses across Ireland. When giving evidence via a video link, a child sits in a small ‘witness’ room in the courthouse and is only allowed to be accompanied by a court services’ staff member. No other adult, such as a parent or legal representative, is allowed in the room. Ireland does not have juvenile courts or specialised sections in regular courts for child victims. The criminal justice system makes no requirement for staff to be given mandatory training on how to interact and work with child victims. However, in general, it appears that judges, prosecutors, and defence barristers speak to children in a sensitive manner. In Ireland, provisions are in place that make it easier for children to give evidence by getting rid of the need to give evidence under oath, the need for corroboration (previously, additional evidence

confirming that given by the child was needed), the wearing of wigs and gowns by barristers when evidence is being given by video links.

AdVIC (Advocates for Victims of Homicide) is a Registered Charity, which assists and supports families bereaved by homicide. It offers professional counselling, support, information and advice to people bereaved by homicide to cope with their grief and manage the trauma associated with their loss. AdVIC introduced Child and Adolescent Counselling in January 2020. This support is vital to help children cope with their loss and help them rebuild a life after the sudden traumatic loss of a loved one. For very young children, where online counselling is not appropriate, specially trained child therapists offer parent coaching - which is support and guidance to parents or a primary care giver concerned about a grieving child.

AdVIC adhere to the Health Service Executive’s safeguarding policy, the Child Welfare and Protection policy, and the Children First policy when recruiting Child Therapists and ensure that all therapists working with minors undergo Garda Vetting prior to the commencement of any therapy. The best interests of the child are given primary consideration in counselling provided by AdVIC, to that end, guidelines on working with children and young people are available. The purpose of these guidelines is to ensure the promotion of best practice and in conjunction with relevant standards in child therapy, regulations and legislation and other guidance from the Health Service Executive (HSE) on safeguarding and child welfare and protection.

Interaction between TV broadcasting or written media and children

GOOD PRACTICE EXAMPLE – ITALY:

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

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

Interaction between caregivers and children

GOOD PRACTICE EXAMPLE – CROATIA:

In criminal proceedings involving children, all information and announcements need to be confirmed by the child, through their explicit statement that they understood the meaning of the information. In this process,

the participation of a professional supporter is fundamental, since they are tasked with explaining to the child, in an appropriate manner, the meanings of different procedural steps and statements.

Further reading:



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

3. ORGANISING SUPPORT

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

THE RIGHTS UNDER EU LAW

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

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

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

AN OVERVIEW OF RIGHTS IN IRELAND

There is no single body responsible for dealing with, and assisting, victims of terrorism. Ireland takes a mainstream approach to supporting victims of all crime. There is no distinct programme of response and support for victims of terrorism, but instead the mainstream service provisions can be targeted to respond to the particular needs for specialist support in individual cases, such as cases of victims of terrorism.

Key to the inter-agency, cross-sectoral approach is a good framework of communication between key players and service providers, which allows for a flexible approach towards delivering appropriate support to individual victims of crime, including terrorism.

EMERGENCY RESPONSE PHASE – NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

Robust emergency planning arrangements are in place to address a wide range of emergencies, including national security incidents and terrorist attacks. The Office of Emergency Planning is situated in the Department of Defence, the Defence Minister chairs the Government's task force on emergency planning, which meets regularly. Emergency planning arrangements are co-ordinated in this framework. When an emergency occurs, the appropriate plan is set in motion, with the relevant Government Department taking the lead in its implementation. Ministers and/or Senior Civil Servants convene in the National Emergency Co-ordination Centre, which is equipped with robust communications systems and support facilities, to ensure rapid and flexible real-time oversight and management of the emergency situation. This is particularly important in responding effectively to the immediate needs of victims, such as of a terrorist incident, in terms of medical and psychological impacts, and in terms of immediate social assistance.

In the event of a large-scale terrorist attack, in accordance with the Major Emergency Management Framework, one of the three Principal Response Agencies (An Garda Síochána, the Health Service Executive, and the relevant Local Authority) is designated as the lead agency and coordinates the response on

the ground, communicating with the National Emergency Coordination Centre. An Garda Síochána assesses the situation and makes operational decisions, maintains public order, provides for security of victims, coordinates evacuation if needed, issues public warnings, communicates guidance and advice to those affected.

Providing appropriate support for emergency responders is also a necessary part of the overall response (peer support/trauma counselling, etc.). Civil defense organisations, voluntary emergency services, as well as the community and voluntary sector are also involved in supporting victims and the affected community. Depending on the specific needs of the victims, civil society groups and charities with relevant skills and experience may be called upon.

PREPARATION AND TRAINING – NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

Training

There are a number of good practices to highlight in the area of training. The Irish Council for Civil Liberties, the Bar of Ireland and the Law Society of Ireland obtained EU funding to develop a training programme for lawyers and the judiciary across five different jurisdictions. The free Massive Open Online Course (MOOC) brought together experts which covered the Victims' Directive; the Criminal Justice (Victims of Crime) Act 2017; vulnerable victims and testimonial aids; and compensation and complaints. The training programme was accessed by many people with a role in the Irish criminal justice system.

Court Services have reported that 70 of their frontline staff took part in training and workshops conducted by victim support groups, with one of the workshops focusing on the requirements of the EU Directive.

Planning and co-operation

Among the mechanisms or protocols in place allowing for the establishment of support services for victims of terrorism within the framework of

the national emergency-response infrastructures, a Victims of Crime Consultative Forum, organised by the Victims of Crime Office, has been held annually since 2009. It provides an arena for victim support organisations to put forward the views of victims with a view to shaping strategy and policy initiatives. Representatives from the Department of Justice, An Garda Síochána, Garda Ombudsman, Court Services, Criminal Injury Compensation Tribunal, and the Irish Prison Service regularly provide attendees with information on how their respective organisations address the rights of victims.

Ireland is also party to a series of Conventions related to the rights of victims including:

Council of Europe

- European Convention on Mutual Assistance in Criminal Matters, 1959 (in force in Ireland since 1997)
- Convention on Cybercrime, 2001 (in force in Ireland since 2002)

United Nations

- United Nations Convention against Transnational Organized Crime, 2003 (ratified by Ireland in 2010)

European Union

- Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, 2000

MEDIUM- AND LONG-TERM – NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

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

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

Further reading:



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

3.2 ORGANISATION OF SUPPORT TO VICTIMS OF TERRORISM

THE RIGHTS UNDER EU LAW

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

- The availability of support services immediately after a terrorist attack and for as long as necessary. These support services should be confidential, free of charge and easily accessible to all victims of terrorism;
- The establishment of free of charge and confidential specialist support services in addition to, or as an integrated part of, general victim support services, or to enable victim support organisations to call on existing specialised entities providing such care;
- Ensure that mechanisms or protocols are in place allowing for the activation of support services for victims of terrorism within the framework of the national emergency-response infrastructures.

AN OVERVIEW OF RIGHTS IN IRELAND

In Ireland, the Department of Justice is the Lead Government Department responsible for coordinating the whole-of-Government communication response in the event of a terrorist attack. Outside of direct Government communication, an Garda Síochána uses Europol or Interpol channels and, where necessary, the Department of Foreign Affairs and its network of embassies.

Staff in the Consular Assistance Unit in the Department of Foreign Affairs and in Irish Embassies and Consulates overseas, receive specialist training. They are also experienced in dealing with issues that arise in relation to Irish victims of crime abroad, and with foreign victims of crime in Ireland, including acts of terrorism.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

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

Victims' associations

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

Certified psychotrauma experts

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

The EUCVT has 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:



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

4. EUCVT

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

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

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

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

Website

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

Experts

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

Contact details

eucvt@victimsupporteurope.eu

Further reading:

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

