



HANDBOOK

ON VICTIMS OF TERRORISM

ITALY

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 (Chapter 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 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.

Italy has had much experience in preventing and combating terrorism. Italian legislation on terrorism was developed in the 1970s as a response to threats posed by separatist movements as well as right- and left-wing political groups. Among the numerous attacks, those that stand out include the Milan Piazza Fontana bombing on 12 December 1969 and the Bologna massacre on 2 August 1980. It is estimated that during the so-called Years of Lead (*Anni di piombo*), 356 people died from small – larger-scale terrorist attacks. Additionally, since 1961, an unspecified number of Italian nationals have fallen victim to terrorist attacks outside their home country. As of 2001, Italian legislation has been extended to take into account the phenomenon of international terrorism and to ensure the inclusion of certain activities such as the organisation, and funding, of terrorist acts.

Further reading:



- **On rights:**
 - Victims' Rights Directive
 - Directive on combating terrorism
 - 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
 - 🌐 AIVITER, (IT)
 - Cento Bull A. and Cooke P. (2013) Ending Terrorism in Italy, Routledge, Oxon (IT)

CRISIS RESPONSE STRUCTURE IN ITALY

In Italy, the management of a response to a terrorist attack is carried out at both central and local level. A local Prefecture (one of over 100 Territorial Government Offices) would be in constant contact with the central governmental structure, the Ministry of the Interior.

The Counter Terrorism Strategic Analysis Committee (CASA) is part of the Ministry of the Interior. It shares information on internal and external terrorist threats with the police, plans and activates (if necessary) prevention and response measures, and advises the Government on which anti-terrorism alert level should be set. If there is a terrorist attack in Italy, the Ministry of the Interior convenes the CASA and the Crisis Unit, which are then entrusted with managing the response to the attack. The Crisis Unit consists of members of the National Committee for the Order and Public Security (CNOSP): the Minister of Interior, the Chief of Police, the Carabinieri's Commander-General, the heads of the Guardia di Finanza and the Secret Service.

The Prefectures represent the Ministry of Interior at the local level. The Provincial Committee for Order and Public Security (CPOSP) – the Prefect, the Quaestor, the Provincial Commanders of the Carabinieri and the Guardia di Finanza, and the regional Mayor – is installed at the Prefecture. The CPOSP may include members of the Protezione Civile (Civil Protection), the Red

Cross and by other organisations. Through the CPOSP, the Prefecture deals with the victims by directing and coordinating those involved, while remaining in contact with the CNOSP.

The Civil Protection generally deals with emergency situations and coordinates rescue missions. In the immediate aftermath of a crisis it performs the following services:

- fire-fighting;
- general front line assistance;
- helping and assisting victims;
- securing damaged buildings;
- providing psychological support for victims: volunteer groups, such as Psychologists for the People (*Psicologi per i Popoli*), recognized by the Civil Protection may be engaged to give emergency support after a crisis event.
- emergency medical aid.

In the event of a terrorist attack outside Italy, the CASA is summoned on an extraordinary basis. The Ministry of the Interior, through the CNOSP, takes the political lead, while at the provincial level the Prefecture is responsible for maintaining contact with the victims' families. The Foreign Ministry's Crisis Unit is also activated to intervene – directly and through its embassies and consulates – on behalf of Italian citizens caught up in terrorist attacks.

Further reading:



- German Presidency Report (2020) State of play regarding support to victims of terrorism, particularly in cross-border situations
- 🌐 Civil Protection (Protezione Civile) (IT)
- 🌐 Psychologists for the People (*Psicologi per i Popoli*) (IT)
- 🌐 Psychologists for the People (*Psicologi per i Popoli*) (IT)

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 Italy, as a consequence of a bomb explosion at the Bologna Central railway station on 2 August 1980, 85 people were killed and more than 200 wounded. 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. In Italy, in the context of the Piazza Fontana bombing in 1969, 5 separate attacks had been planned in different locations in Milan and Rome. The multiple sites, in both enclosed and open venues, and numbers of victims created a chaotic environment: identification of victims and securing individual locations required complex management of various services, which were involved in the response. More recently, during the Paris attacks in November 2015, six separate events took place in different locations within a short period of time.

Timing

In the case of multiple, related, terrorist attacks, the timing of any consecutive attack(s) has usually been within a few hours of the first. On 12 December 1969, three explosions occurred in Rome half an hour after the bombing in Milan. In 2016, the 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. In Italy, alongside political terrorism perpetrated by left-wing and right-wing extremist groups implicated in the context of the strategy of tension, terrorism is also the purview of organized crime (e.g. of mafia origin and Camorra matrix).

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: 12 DECEMBER 1969 - PIAZZA FONTANA BOMBING, MILAN

Scale

The Piazza Fontana bombing killed 17 people and injured 88.

Location

In addition to the bomb in Piazza Fontana Milan, which resulted in death and injuries as well as damage to infrastructure, another

unexploded device was found in the Banca Commerciale in Piazza della Scala, also in Milan. Later that day, three other explosions occurred in Rome: one, inside the Banca Nazionale del Lavoro in via San Basilio and two others, on the Altare della Patria in Piazza Venezia, resulted in further injuries and damage.

Timing

Minutes before the explosion in Piazza Fontana in Milan, an unexploded bomb had been found in Piazza della Scala. The same afternoon, and within one hour, three more explosions occurred in Rome.

Further reading:

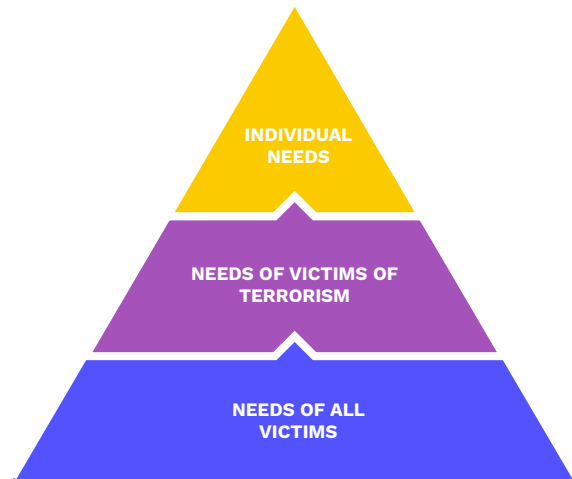


- Europol (2020) TE-SAT Report
- Institute for Economics and Peace (2019) Global terrorism index
- 🌐 <https://www.memoria.san.beniculturali.it/web/memoria/approfondimenti/approfondimenti> (IT)
- 🌐 <https://www.interno.gov.it/it/temi/sicurezza/antiterrorismo> (IT)

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.

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.

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

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



Needs of victims of terrorism

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

1. Recognition and respect: as victim of terrorism. *e.g. In Italy, the assignment of the Gold medal 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. In Italy, associations supporting victims of terrorism are AIVITER and the Association of the Relatives of the Victims of the Bologna Station Massacre.*
3. Protection: physical protection, protection from secondary victimisation. *e.g. Italian law ensures the physical protection of the offended person/victim at trial by allowing them to give evidence using communication technologies.*
4. Access to justice: safe participation in the criminal justice process. *As above.*
5. Compensation and restoration: financial compensation and help with the financial impact of a terrorist attack. Restoration includes overall recovery and restorative justice processes. *e.g. In Italy, specific measures for victims of terrorism are foreseen by Laws 1990/302, 1998/407 and 2004/206 recognizing the right to obtain material compensation (invalidity pensions, annuity cheques, reimbursement of medical expenses, right to compulsory job placement, scholarships for victims' children etc.).*

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
- 🌐 Italian Ministry of Interior, legislative references (IT)
- 🌐 AIVITER, (IT)
- 🌐 Association of the Relatives of the Victims of the Bologna Station Massacre (Unione dei Familiari delle vittime della strage della stazione di Bologna) (IT)

1. THE RIGHTS OF VICTIMS OF TERRORISM

1.1 VICTIM OF TERRORISM – DEFINITION UNDER NATIONAL LAW AND IMPACT

DEFINITIONS 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 defines intentional acts that should be criminalised as acts of terrorism by Member States. These acts are discussed in detail in Subchapter 1.1 of the EU Handbook on Victims of Terrorism.

DEFINITION UNDER ITALIAN LAW

Victim of terrorism

Italian Law 2004/206 considers 'victims of terrorism' Italian citizens and their surviving family members, foreigners, and stateless persons, who died or were injured as the result of a terrorist attack carried out on national territory as well as Italian citizens and surviving family members, who died or were injured following a terrorist attack carried out on extra-national territory.

Terrorist offence

The following offences are punished under the Criminal Code (CC): criminal association for terrorist purposes and subversion of the democratic order (Article 270bis); assistance to members of terrorist organisations (Article 270ter); recruitment for terrorist purposes (Article 270quater) and providing training for terrorism (Article 270quinquies). Article 270sexies of CC considers acts to be for terrorist purposes when, by their nature or context, they may seriously damage a country or an international organisation and are carried out in order to intimidate people or coerce a government or international organisation to perform or abstain from performing any act or to destabilise or destroy the fundamental political, constitutional, economic and social structures of a country or an international organisation. Moreover, any offence can be aggravated by 'terrorist purposes', as established by the new aggravated circumstance of Article 270 bis.1 of the CC introduced by LD 2018/21. Law 2015/43 tackles the phenomenon of foreign fighters and the glorification of terrorism online.

CASE STUDY: LEGAL ANALYSIS OF THE DEFINITION OF VICTIM OF CRIME AND VICTIM OF TERRORISM

- The Italian Criminal Code (CC) and the Code of Criminal Procedure (CCP) distinguish the “offended person” from the “injured person”. The offended person is one who has suffered a detrimental consequence from the commission of a crime and to whom certain rights and faculties are granted in the proceedings (e.g. present written memories, indicate evidence). The injured person is one who, having suffered a damage as a result of a criminal offence, has the right to claim compensation from the offender and may enforce this right either by bringing the action in an independent civil proceeding or in the criminal proceeding by acquiring the status of civil party. Usually the offended person coincides with the injured person, however if the offended party died as a consequence of the crime, immediate family members become the injured parties and have the right to be the civil party in the proceeding to obtain compensation for damage. The term victim encompasses both the offended and injured person.
- The legislation also recognises the category of victim with special protection needs (who are referred to as “particularly vulnerable victims” as per Article 90-quarter CCP). There is no explicit definition of this term. The condition of victim with special protection needs is assessed by considering whether the detrimental act was committed:
 - a. with violence against the offended person;
 - b. with racial hatred;
 - c. with discriminatory motivation;
 - d. in the field of organised criminal activity;
 - e. in the field of organised terrorist activity;
 - f. in the field of activity by organisations involved in human trafficking.

IMPACT OF TERRORIST ATTACKS ON VICTIMS

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

Physical consequences

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

Mental health consequences

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

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

Financial consequences

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

Future events

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

Risk groups

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

Loss and grief

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

Further reading:



- Letschert, R.M., Staiger, I., Pemberton, A. (2010) Assisting victims of terrorism: towards a European standard of justice
- Damiani, C., Victime et traumatisme, in Tigrane Tovmassian, L., & Bentata, H. (2013) Le traumatisme dans tous ses éclats, p. 61-70
- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- German Presidency Report (2020) State of play regarding support to victims of terrorism, particularly in cross-border situations
- 🌐 Coordinated and update text of Royal Decree of 19 October 1930, n. 1398, as last amended by LD 14 June 2019 n. 53, (CC) (IT)
- 🌐 Coordinated and updated text of the D.P.R. September 22, 1988, n. 447, updated by LD 14 June 2019, n. 53 (GU 14/06/2019, n.138) (CCP) (IT)
- 🌐 Law of 3 August 2004, n. 206, New rules in favor of the victims of terrorism and the massacres of this matrix (L 2004/206) (IT)
- 🌐 Legislative Decree 15 December 2015 n. 212 (LD 2015/212) (IT)
- 🌐 Law April 17th 2015, n. 43, containing urgent measures to combat terrorism, including those of an international nature [...], (L 2015/43) (IT)
- 🌐 Legislative Decree 1 March 2018, n. 21 (IT)

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 to facilitate the identification of victims and their families. In the aftermath of a terrorist attack, especially those involving a large number of victims, it is key to establish mechanisms of gathering information from the scene that serves multiple purposes. Identification is necessary to complete several key actions, including to:

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

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

Recognition

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

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

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

Respect

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

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

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

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

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

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

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

AN OVERVIEW OF RIGHTS IN ITALY

With the Decree of 6 May 2008, Italy introduced the prospect of governmental recognition for victims of terrorism via the assignment of the Gold medal for Victims of Terrorism. The injured and the relatives of the deceased can receive this honour from the Ministry of the Interior or from the prefecture where the victim was resident. Associations representing victims of terrorism may be consulted during this process.

In addition to this formal recognition, legislation gives the option of early retirement for surviving victims, as well as providing a pension for applicable family members of the deceased victims.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

Identification of victims and information about victims

The Circular of 1 July 2019 states that the Apart from the arrangements made in relation to Italian victims abroad and the Civil Protection intervention during the emergency phase, there are no specific arrangements for the identification of victims in Italy.

Commemoration events

In 2007, the Italian Parliament declared May 9 as the Day of Remembrance for Victims of terrorism. The Italian President, Giorgio

Napolitano, acknowledged the importance of such an anniversary by receiving the victims' families at the Quirinale, the official residence of the President of the Italian Republic. On the occasion of the Remembrance Day, a virtual Wall of Memory for the Italian Victims of Terrorism is published online.

Monuments

Monuments create a physical place where victims can gather to share their individual loss with society. Such monuments – dedicated to all victims of national and international terrorism – have been erected in Padua, Milan, Bologna and Brescia. In Rome and Turin there are several plaques commemorating the victims of terrorist attacks that occurred in these cities.

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
- 🌐 <https://www.interno.gov.it/it/temi/sicurezza/antiterrorismo> (IT)
- 🌐 AIVITER (IT)
- 🌐 <http://95.110.157.84/gazzettaufficiale.biz/atti/2008/20080149/08A04547.htm> (IT)
- 🌐 <http://www.memoria.san.beniculturali.it/web/memoria/protagonisti/muro-memoria> (IT)
- Serran, A. (2018) Las victimas del terrorismo: de la invisibilidad a los derechos (ES)
- Guglielminetti, L. (2017) La percezione sociale delle vittime del terrorismo, in "Rassegna Italiana di Criminologia" (RIC), n. 4, p. 269-276 (IT)

1.3 VICTIMS' RIGHTS TO ACCESS INFORMATION

THE RIGHTS UNDER EU LAW

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

- The information should be easy to understand and available in multiple formats. In choosing the distribution medium particular attention should be paid to reaching vulnerable groups.
- the Member States' obligation to provide of 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 ITALY

D.Lsg. 212/2015 under Article 90 bis of the CCP states that the offended person, from the first contact with the proceeding authority, shall be provided with information in a language understandable to him or her. A victim that cannot understand the Italian language will always be assisted by an interpreter appointed by the Judicial Police or by the judge.

There are no legal provisions on the methods of communication for specific categories of victims. However, there is a general rule (Articles 348 and 351 of the CCP) that states that the judicial police officers may use technical consultants to make their work more effective. Exchanges with a minor or a particularly vulnerable victim are to take place with the help of personnel trained in psychology.

In general, the law establishes that information must be provided in relation to:

- a. the complaints procedures; the role that the victim may play in the course of the investigations and the trial; the right to knowledge of the date and place of indictment, and of the trial; and if the victim has brought a civil action against the offender, the right to receive notification of the sentence;
- b. the right to receive notification on the status of the proceedings and of the registrations referred to in Article 335, Paragraphs 1 and 2 of the CCP (registration of the *notitia criminis*, in the register of suspects, the indication of the number of reports of the crime and the indication of the name of the Public Prosecutor in charge of the investigation);
- c. the right to be notified of the decision to waive prosecution;
- d. the right to legal advice and legal aid;
- e. the procedures for exercising the right to interpretation and translation of procedural documents;
- f. any protective measures that may be arranged in their favor;
- g. the rights of victims, who are resident in another Member State;
- h. the recourse to claim against a violation of their rights;
- i. the competent authorities that provide procedural information;
- j. the procedures for reimbursement of expenses, incurred in participating in the criminal proceedings;
- k. the option to request compensation for damages deriving from a crime;
- l. the possibility that the proceeding will be defined, with the remission of a complaint or through mediation;

- m. the outcome that a particular procedure could take, e.g. if the offender, using the suspension of trial procedure, intends to ask for probation;
- n. health facilities in the area, family homes, anti-violence centers and shelters, where victims can seek support.

The Public Prosecutor, the Judicial Police staff, the representatives of the Police Forces, the Social and Health Workers who are consulted by an offended person can inform them of the possibility of contacting the DAFNE National Network for assistance (see also further below under sections 1.4 and 3.3).

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).

In practice, in Italy, information on rights, support services and compensation schemes is provided to victims by victims' associations and the lawyer appointed ex-officio. Information on victims' rights, specific to economic benefits, is published on the websites of the Ministry of the Interior and the Ministry of Justice.

With regard to good national practices, it is worth mentioning the efforts made by the Public Prosecutor's Office at the Court of Tivoli to ensure a more streamlined communication of information on rights of victims of crime. The Office has published, and made publicly available on-line, informative directives specifically for victims. This information, however, does not explicitly address victims of terrorism.

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.

PROVIDING INFORMATION IN CRISIS - GOOD PRACTICES:

In France, immediately following a terrorist attack affecting a large number of people, the inter-ministerial cell for public information and victim support (*Cellule Interministérielle d'Information du Public et d'Aide aux victimes - C2IPAV Infopublic*) is activated. Infopublic cooperates closely with local authorities and local victim support organisations to set up a family reception centre, which will function as a single physical location where victims and family members receive information on their rights and procedural matters.

In the Netherlands, the ARQ (National Psychotrauma Centre) has the ability to set up a special website within minutes of a crisis event. In the case of a terrorist attack, or other large-scale disaster, Victim Support Netherlands (*Slachtofferhulp Nederland*) can set up an online Information and Advice Centre (IAC) within a few hours, providing victims, witnesses and family members with current, complete and reliable information, such as important phone numbers and the latest news from organisations involved, such as the police, the Public Prosecutor and the government. An IAC was established after the MH17 plane crash on 17 July 2014.

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
- Law of 3 August 2004, n. 206, New rules in favor of the victims of terrorism and the massacres of this matrix (L 2004/206) (IT)
- Bardi, M., Galvani, G. (2019) VOciare National Report Italy
- 🌐 Ministry of Interior (Ministero dell'Interno) (IT)
- 🌐 DAFNE National Network (Rete DAFNE)
- 🌐 Procura di Tivoli (IT)
- 🌐 'One-stop victims' information and declaration portal'
- 🌐 IAC Air Disaster Ukraine

1.4 VICTIMS' RIGHTS TO ACCESS SUPPORT SERVICES

THE RIGHTS UNDER EU LAW

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

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

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

AN OVERVIEW OF RIGHTS IN ITALY

In Italy, there are various associations that provide psychological and legal support for specific categories of victims, on condition of membership. The associations that specifically support victims of terrorism are the Italian Association of Victims of Terrorism and Crimes against the Constitutional Order of the State (*Associazione Italiana Vittime del Terrorismo e dell'Eversione contro l'Ordinamento Costituzionale dello Stato* - AIVITER) and the Association of the Relatives of the Victims of the Bologna Station Massacre (*Unione dei Familiari delle vittime della strage della stazione di Bologna*). AIVITER exclusively informs, assists and supports its members and is the only association that supports victims of terrorism in pursuing their legal claims.

In the immediate aftermath of a mass victimisation/crisis event, the Civil Protection is generally responsible for providing first aid and immediate assistance. Volunteer associations (such as Psychologists for the People - *Psicologi per i Popoli*) recognized by the Civil Protection may also provide emergency psychological support immediately after the event.

With regards to generalist support services, the few ones existing in Italy all refer to the DAFNE National Network (Rete DAFNE). Victims using these services may receive psychological support, be helped to obtain support procedures, and be further referred to relevant offices and specialised lawyers free of charge.

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.

In Italy, there are about 300 Anti-Violence Centres providing psychological assistance, information on rights, legal aid and physical protection in shelters specifically for child victims of abuse and women victims of gender and domestic violence.

SETTING UP A VICTIM ASSISTANCE CENTRE AFTER A TERRORIST ATTACK - GOOD PRACTICE:

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

In November 2020, the EU Council was made aware of the establishment, by the Minister of Interior, Department of Civil Liberties and Immigration, of a single point of contact point for victims of terrorism in Italy.

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
- Bardi, M., Galvani, G. (2019) VOCIARE National Report Italy
- 🌐 DAFNE National Network (Rete DAFNE)
- 🌐 Civil Protection (*Protezione Civile*) (IT)
- 🌐 AIVITER (IT)
- 🌐 Unione dei Familiari delle vittime della strage della stazione di Bologna (Association of the Relatives of the Victims of the Bologna Station Massacre) (IT)
- 🌐 Psychologists for the People (*Psicologi per i Popoli*) (IT)
- 🌐 Psychologists for the People (*Psicologi per i Popoli*) (IT)
- 🌐 Ministero dell'Interno, Dipartimento per le Libertà Civili e l'immigrazione / Ministry of Interior, Department of Civil Liberties and Immigration (IT)
- 🌐 VSE (2018) Behind the Scenes: Family Reception Centre set up for the Victims of the Strasbourg Christmas Market Shooting

1.5 VICTIMS' RIGHT TO ACCESS JUSTICE – PROCEDURAL RIGHTS

THE RIGHTS UNDER EU LAW

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

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

AN OVERVIEW OF RIGHT TO ACCESS TO JUSTICE IN ITALY

With respect to the right to be heard, D.Lsg. 212/2015 adds to Article 392, clause 1-bis, of the CCP, a regulation under which a particularly vulnerable victim may request, or be requested by, the Public Prosecutor to be heard as a witness, according to the pre-trial evidence gathering procedures.

Victims of terrorism have the right to free legal aid offered by the State (Art. 10 of Law

2004/206), this includes the right to receive legal advice from a court appointed ex officio lawyer and to initiate judicial proceedings if the legal action/complaint requirements are met. In Italy, the offended person is not a party to the proceedings but a possible subject (soggetto eventuale), who has the option, but not the obligation, to participate in the proceedings. As such, the offended person does not have an automatic right to legal representation ex officio; this depends on whether the offended person claims civil party status or not. The offended person who does not constitute themselves as civil party is not provided by a lawyer ex officio and, usually, do not appoint one either.

As to the reimbursement of expenses resulting from participation in the court proceedings, the Presidential Decree 115/2002 establishes that if the party (included the offended person) is allowed access to the government legal aid scheme, the Treasury will be expected to reimburse the expenses claimed by the same party. This provision, limits the reimbursement exclusively to the expenses for the completion of procedural acts resulting from the participation of the offended person to the proceedings, e.g. filing the compensation claim or the appeal.

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.

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/members of associations 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:



- German Presidency Report (2020) State of play regarding support to victims of terrorism, particularly in cross-border situations
- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- 🌐 Bardi, M., Galvani, G. (2019) VOciare National Report Italy

1.6 VICTIMS' RIGHTS TO PROTECTION: PHYSICAL AND PRIVACY

THE RIGHTS UNDER EU LAW

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

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

AN OVERVIEW OF RIGHT TO PROTECTION IN ITALY

As stated above, LD 2015/212 sets out the right to protection for all victims but it does not specifically reference victims of terrorism. However, as per this decree, victims of terrorism are considered as '*particularly vulnerable*' and are, thus, entitled to certain rights and safeguards in the context of criminal proceedings (e.g. during the proceedings, the examination of the '*particularly vulnerable*' victim shall take place by

means of 'protected modalities' upon request, as per Article 90 bis of the CCP. For instance, the victim at trial is allowed to give evidence using communication technologies, and protective arrangements can also be made with regards to the court premises (keeping the victim and the offender in separate rooms, using different entrances, using screens etc.)

Furthermore, Article 398 of the CCP (as modified by D.Lsg. 212/2015), establishes that, when an offended person with special protection needs must be heard in a pre-trial hearing, the Judge can, for the Preliminary Investigations, set the audience for the acquisition of the hearing in a suitable place away from judicial locations, or in a location specifically adapted to providing psychological assistance. Article 398 also establishes the acquisition and documentation of evidence by audio-visual tools.

In addition to the 'protected modalities' described above, special protection measures and entitlements foreseen for 'witnesses/collaborators of justice' can be applied to victims of terrorism (L 2018/6). These include protective measures that are available up to the formal cessation of the danger to oneself and relatives, assistance measures aimed at guaranteeing a personal and family standard of living equal to that before the start of the program etc.

Finally, in protecting victims of violent crimes, Italian law provides for the obligation to notify the offended person of the request by the public prosecutor, or the defendant, to revoke any precautionary measures, and to notify the offended person of the escape/release of the offender, as provided in Article 90 ter of the CCP.

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.

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

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

to draft a Charter of good practices for the media in case of terrorist attacks, including a reminder of ethical rules.

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
- Bardi, M., Galvani, G. (2019) VOCIARE National Report Italy
- CSA, Précautions relatives à la couverture audiovisuelle d'actes terroristes (FR)

1.7 VICTIMS' RIGHTS TO PROTECTION: SECONDARY VICTIMISATION

THE RIGHTS UNDER EU LAW

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

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

Causes

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

- repetition of statements in police interviews;
- lack of information;
- government, police or hospital staff engrossed solely in the immediate events without attending to the shock suffered by the victims;

- experts questioning the credibility or mental health of victims;
- delay in judicial procedures, confrontation with terrorists in the court room, having to recount publicly and in detail their traumatic experience;
- media exposure;
- lack of support from colleagues/peers in the workplace, school, university.

Solutions

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

AN OVERVIEW OF RIGHT TO PROTECTION FROM SECONDARY VICTIMISATION IN ITALY

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

It is worth mentioning the “incidente probatorio” (Article 392 1-bis of CCP), which ensures the acquisition and utilization of non-deferrable evidence. This was originally foreseen for child victims and was gradually extended to offended persons in conditions of particular vulnerability, such as victims of organized crime. The aims of the “incidente probatorio” are to foster a rapid removal of the traumatic experience, avoid intimidation/retaliation and reduce questioning to a minimum. At the same time, it aims to avoid the alteration or dispersion of the vulnerable person’s testimony, by formally recognising the evidence submitted as soon as possible after the criminal act.

Further reading:



- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- Coordinated and updated text of the D.P.R. September 22, 1988, n. 447, updated by LD 14 June 2019, n. 53 (GU 14/06/2019, n.138) (CCP)
- Bardi, M., Galvani, G. (2019) VOCIARE National Report Italy

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 a victims' rights in relation to compensation:

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

AN OVERVIEW OF RIGHTS IN ITALY

Initial compensation consists of a one-off monetary payment in favour of the relatives of a deceased victim or in the payment to a surviving victim of a sum of money commensurate with

the percentage of disability involved. A second form of compensation provides for the payment of an annuity in favour of the relatives of the deceased victim or to the surviving victim, who reports an invalidity equal to or greater than 25%. The one-off payment is added to the annuity payment.

Moreover, for victims of terrorism and their family members, L 1990/302, L 1998/407 and L 2004/206 recognise the right for victims and their family members to obtain compensation in the form of an invalidity pension, early retirement, right to compulsory job placement, reimbursement of medical expenses, etc.

The compensation system is managed by the Ministry of the Interior, in particular "Area I" at the Department of Civil Liberties and Immigration. Area I examines the claim documentation, such as judicial papers, reports from the Police Forces, and grants economic benefits to the victims of terrorism and organized mafia-type crime on receipt of unanimously positive documentation, including the opinion of the competent Prefect.

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 have been recognized for compensation payment eligibility, such as anxiety.

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
- 🌐 Ministry of Interior (Ministero dell'Interno) (IT)

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 ITALY

Compensation schemes

The public services, which support victims of In the event of a terrorist attack in Italy, the compensation scheme mentioned above under section 1.8 applies to Italian citizens as well as citizens of other countries and stateless persons.

In the event of a terrorist attack abroad, compensation is available to Italian citizens even if they are resident abroad. Any compensation sums awarded by other countries are taken into account in determining payment from the Italian government.

While there is no immediate financial assistance for victims of terrorist attacks in Italy, Italian citizens caught up in attacks abroad can benefit from exceptional assistance, such as support for staying on site, repatriation or financing other urgent needs.

Participation in criminal proceedings

As stated above, the reimbursement of costs related to participation in the criminal proceedings is limited to the expenses associated with the completion of procedural acts.

Translation of official documents

Art. 143 bis, paragraph 4, of the CCP, establishes that “the victim who doesn't understand the Italian language has the right to the free translation of legal acts, or parts thereof, which contain useful information for the exercise of his/her rights. The translation may be arranged either verbally or summarized if the prosecuting authority considers that there is no detriment to the rights of the offended person”.

Identification and support

The opportunity to transfer victims' data across borders is enabled through bilateral agreements with other countries via liaison officers, who share information on the investigation and news about the victims of the terrorist attack. For example, various collaborative activities have taken place after events that occurred abroad, these include carrying out DNA research and the identification of victims by specialized personnel.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

CASE STUDY: EMERGENCY PSYCHOLOGICAL ASSISTANCE PROVIDED TO ITALIAN VICTIMS OF A TERRORIST ATTACK ABROAD

On 18 March 2015, a terrorist attack took place at the Bardo Archaeological Museum in Tunisia. Among the victims, from a MSC cruise tour group, four Italian citizens were killed and eleven were injured.

Immediately after the attack, the Italian EMDR (Eye Movement Desensitisation and Reprocessing) Association identified six English and French speaking psychotherapists, who were dispatched directly to Tunisia to support the victims and their families, as well as other passengers from the cruise. Two more EMDR specialists, in cooperation with the ships' HQ Health Department, boarded the vessels to be able to reach the tourists, who returned to the ships and continued

their cruise as well as the other passengers who remained in Tunisia.

Two of those killed and several of the wounded were from Turin. A few days after the terrorist attack, the Municipality of Turin entrusted the association of volunteers Psychologists for the People (*Psicologi per i Popoli* Torino) with the task of providing psychological support to the survivors and their families. The group was composed of five professionals, selected on the basis of their skills, who worked for about a year before the Mental Health Service took charge. The team relied on the municipal Civil Protection which already had a group of emergency psychologists.

Further reading:



- German Presidency Report (2020) State of play regarding support to victims of terrorism, particularly in cross-border situations
- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- Bardi, M., Galvani, G. (2019) VOciare National Report Italy
- 🌐 Psychologists for the People (*Psicologi per i Popoli*) (IT)
- 🌐 Psychologists for the People (*Psicologi per i Popoli*) (IT)
- 🌐 EMDR
- EFPA, Psychosocial Support after Crisis and Disasters, Lessons learned from European Countries
- “L’attentato terroristico al museo del Bardo a Tunisi, sostegno alle vittime e resilienza comunitaria”, Maria Teresa Fenoglio (Sbattella, F., *Terrorismo. Vittime, contesi e resilienza*, EDUCatt, Milano 2019, pp 62-75) (in Italian)

2.2 CHILDREN

THE RIGHTS UNDER EU LAW

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

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

IMPACT OF TERRORIST ATTACKS ON CHILDREN

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

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

Children as direct victims

In Italy, child victims are always considered to have special protection needs. Articles 348 and 351 of the Criminal Procedure Code state that the judicial police officers can use technical consultants in protected hearings in favour of minor victims, who are heard with the help of personnel specialised in psychology.

The Italian State guarantees that the competent authorities can, during criminal proceedings, take appropriate measures to protect the privacy of child victims, including any personal information taken into consideration during individual evaluation, to avoid publication of images of the victims or their family members.

During a trial, child victims may be represented by a lawyer and they may be accompanied by a relative. D.Lgs. 212/2015 defines the conditions under which statements given by the offended person with special protection needs must be reproduced in audio-visual form.

The Italian association EMDR, in the framework of its emergency psychology policies, acknowledges

children and young people directly or indirectly affected by traumatic events as particularly vulnerable persons and highlights the importance of using specific communication tools to explain the act of terrorism to this category of victims.

Interaction between TV broadcasting or written media and children

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 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.

Further reading:



- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- Bardi, M., Galvani, G. (2019) VOciare National Report Italy
- Sadowski, I., Okroglic, P. (2019) VOciare National Report France
- 🌐 Carta di Treviso (IT)
- Carta dei doveri del giornalista, Federazione Nazionale Stampa Italiana – Consiglio Nazionale Ordine dei Giornalisti 1993 (IT)
- 🌐 EMDR

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 ITALY

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

The Counter Terrorism Strategic Analysis Committee (CASA) at the Ministry of the Interior shares information on internal and external terrorist threats with police forces, suggesting the level of anti-terrorism alert that the government should set, and plans and activates (if necessary) prevention or response measures.

The Civil Protection Department defines the general criteria for emergency planning, which are forwarded to the Regions for the preparation of provincial and municipal plans. Provinces and Municipalities create plans based on the risks to their territory.

Training

The activities of the DAFNE Italia Network are also aimed at law enforcement actors, magistrates, public and private sector social and healthcare workers to encourage reflection on the theme of victimization, share knowledge and good practices for working with victims and disseminating information on the support offered by the Network.

EMERGENCY RESPONSE PHASE – NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

In Italy, the President of the Council of Ministers' Directive of 13 June 2006 recognizes that, in the context of support for victims of catastrophic events, the greatest attention must be given to the psychiatric-psychological problems that arise in these populations.

For example, the Trento and Bolzano regions and autonomous provinces arrange for psycho-social support teams to be set up for those affected by a disaster. Generally, these teams utilise existing resources allied to the regional health service. The teams, previously formed, operate within the emergency system, guaranteeing

their intervention both in catastrophic events with limited effect and in catastrophic events that go beyond the response of potential local structures.

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

There are few generalist support services and they all refer to the DAFNE National Network. The level of support varies across the regions. Where they exist, victims' associations help victims to obtain support over the short, medium and long term, free of charge, and refer them to specialised services and legal advice as needed.

Further reading:



- ④ Civil Protection (Protezione Civile) (IT)
- ④ DAFNE National Network (Rete DAFNE)
- German Presidency Report (2020) State of play regarding support to victims of terrorism, particularly in cross-border situations

3.2 ORGANISATION OF SUPPORT FOR VICTIMS OF TERRORISM

THE RIGHTS UNDER EU LAW

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

In the post terrorist-attack crisis phase, the Prefecture, through the CPOSP (Provincial Committee for the Order and Public Security), deals with victims by directing and coordinating the actors involved and remains in contact with the CNOSP (National Committee for the Order and Public Security) at the Ministry of the Interior. The composition of the CPOSP can be integrated by the Civil Protection, the Red Cross and other bodies or associations.

There is a number of generalist victim support organisations covering some geographical areas of Italy, while there is also a number of specialist organisations providing different types of specialist support. Where they exist, victims' associations help victims by guiding and referring them to the relevant offices and specialised services, as needed. There are various associations for specific categories of victims (such as victims of terrorism) that provide psychological and judicial assistance on condition of membership. Among these associations, only AIVITER provides victims of terrorism with support in pursuing legal claims associated with a terrorist attack.

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.

As mentioned in the above sections, in Italy, AIVITER specifically addresses victims of terrorism, while the DAFNE Italia Network offers services to those who are victims of any kind of crime. Notably:

- AIVITER was established in 1985 with the aim of protecting victims of terrorism during

the “Years of Lead”, preserving the memory of the dead, and studying the phenomenon of terrorism. The Association is a not-for-profit organisation and proposes to “develop awareness and co-operation in promoting new acts of recognition and protection, which can guarantee the rights, requirements and expectations of victims or surviving relatives”. The Association works to ensure that victims are given the designation of Victims of Terrorism. AIVITER, in collaboration with the Association of the Relatives of the Victims of the Bologna Station Massacre, extensively advocated for the approval of Law, No. 206, 3 August 2004 (with provisions for the victims of terrorism), and the award of the Gold medal, the honor of «Victim of Terrorism» provided by the decree of the Ministry of the Interior of 6 May 2008.

- DAFNE Italia Network is a free public service that assists victims of crime. The services offered by the network include directing victims to existing local support organisations, the provision of information on victims' rights, psychological help and, where necessary, medical-psychiatric support.

Certified psycho-trauma experts

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.

NATIONAL EXPERTISE ON PSYCHO-TRAUMA – GOOD PRACTICES

In 2007, AIVITER established a collaboration with the Department of Molecular and Developmental Medicine of the Psychiatry Section of the University of Siena at the Santa Maria alle Scotte General Hospital. As a result, the 'National Observatory for Victims of Terrorism' was created to treat victims of terrorism suffering from Post-Traumatic Stress Disorder (PTSD).

The Italian EMDR association has cooperated with the University of Siena, as it supports individuals with PTSD caused by all types of trauma, including terrorism. The EMDR works with the Ministry of Foreign Affairs in cases of

terrorist-related kidnapping, as well as with other Italian authorities in the provision of specialised support to Italian citizens, who are victims of terrorism. Recently, this support has been mainly given to Italians caught up in terrorist attacks abroad (e.g. the 2015 Paris, 2016 Brussels, 2017 Barcelona attacks, etc). Support to Italian cross-border victims is made possible through the EMDR European Network via online and outreaching activities. In this field, EMDR works closely with the non-profit association Hostage Italia, which offers practical and psychological support to hostages of terrorism and their relatives.

Further reading:



- 🌐 AIVITER (IT)
- 🌐 National Observatory for Victims of Terrorism (IT)
- 🌐 DAFNE National Network (Rete DAFNE)
- 🌐 EMDR, and in particular the section on terrorist attacks (IT)
- 🌐 Hostage Italia (IT)

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 from 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](#)

