



HANDBOOK

ON VICTIMS OF TERRORISM

MALTA

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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CONTENT

INTRODUCTION

CRISIS RESPONSE STRUCTURE IN MALTA

TERRORIST ATTACKS

VICTIMS' NEEDS

1. THE RIGHTS OF VICTIMS OF TERRORISM

1.1 Victim of terrorism – definition under national law and impact

1.2 Victims' rights to respect and recognition

1.3 Victims' rights to access information

1.4 Victims' rights to access support services

1.5 Victims' rights to access justice – procedural rights

1.6 Victims' rights to protection: physical and privacy

1.7 Victims' rights to protection: secondary victimisation

1.8 Victims' rights in relation to access to compensation

2. CONSIDERING PARTICULAR GROUPS OF VICTIMS

2.1 Cross-border victims

2.2 Children

3. ORGANISING SUPPORT

3.1 Preparation and organisation of support for victims of terrorist attacks

3.2 Organisation of support for victims of terrorism

4. EUCVT

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.

Until recently, Malta had had no major incidents of terrorism; however, terrorism in the form of hijacking commercial transport has taken place in the past decade: an Afriqiyah Airways plane in 2016 and the ship El Hiblu in 2019.

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 MALTA

Malta has several crisis response structures in place in the event of a terrorist attack. The organisations below provide a variety of support for victims of crime and would be available for the support of victims of terrorism.

The Crisis Intervention Unit¹, which operates from the accident and emergency department of Mater Dei Hospital, provides mental health assistance. Patients/victims requiring specialised support are followed up for a maximum of 3 weeks, with the aim of reducing harm to self or others.

The Victim Support Unit², within the Malta Police Force, aims at minimizing the adverse emotional and psychological stresses caused

by an assault and also fulfils various police obligations resulting from the Victims of Crime Act, Chapter 539 of the Laws of Malta.

Recently the Maltese government launched a new Victim Support Agency, a multidisciplinary team including members of the police, the Probation and Parole services, and various professionals with the objective to provide support services to victims of crime. The services include information on the rights of victims of crime, emotional and psychological support, and legal guidance. Close cooperation is maintained with other competent authorities and non-governmental organisations working in the field of victim support.

¹ <https://publicservice.gov.mt/en/people/ESP/Pages/Crisis-Intervention.aspx>

² <https://pulizija.gov.mt/en/police-force/police-sections/Pages/Victim-Support-Unit.aspx>

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..

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 involved 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 each. Yet, the attacks in Barcelona, on 17 August 2017, were followed by an attack the next day in Cambrils, about 100 kilometres to the south. In Asia and the Middle East, follow-up attacks have been timed to hit first responders and helpers.

Weapons

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

Target groups and organisation

Various ideologies motivate terrorists to carry out attacks: e.g. antisemitism (Halle, Germany in 2019), jihadism (London, UK in 2019), right-wing extremism (Hanau, Germany in 2020), etc. Europol's annual Terrorism Situation and Trend (TE-SAT) Report lists jihadist, ethno-nationalist and separatist, left-wing and anarchist, right-wing and single-issue terrorist

groups, in addition to a new grouping of attacks committed by informal organisations or lone wolves.

Cyberterrorism

The internet can also be used for terrorist purposes: by threatening individuals,

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

CASE STUDIES:

Air Hijack (2016)

Afriqiyah Airways' (Libya's state airline) Flight 209 was hijacked on 23 December 2016, while on a domestic passenger flight from Sabha to Tripoli, Libya and was forced to land in Luqa, Malta. There were 111 passengers on the plane at the time of the hijack: 82 males, 28 females and one infant. The two hijackers threatened to blow up the aircraft with hand grenades. One hijacker declared himself to be «pro-Gaddafi» and said that he would release all passengers, but not the crew. Negotiating teams were placed on standby and Maltese military personnel were ordered to Malta International Airport.

Upon landing, at least 25 passengers were released by the hijackers, while negotiations continued. Following the release of all passengers and crew, the hijackers surrendered to the Maltese authorities and

were taken into custody. It was subsequently revealed that the weapons carried by the two hijackers, Suhah Mussa and Ahmed Ali, were replicas.

El Hiblu (2019)

El Hiblu 1, a commercial tanker, was hijacked on 27 March 2019. The ship had rescued 100 plus migrants in the Mediterranean. A group of the migrants forced the ship's captain and crew to change course from Tripoli (the ship's destination, to offload the recently shipwrecked migrants) to Malta. As the ship approached Maltese waters, the captain informed the Maltese government he was not in control of his vessel, and that «through coercive action» a group of men had hijacked the ship.

El Hiblu 1 was then intercepted by the Maltese Armed Forces' Special Operations Unit, which regained control of the ship and arrested 5 of the alleged hijackers before escorting the ship into Valletta, Malta.

Further reading:

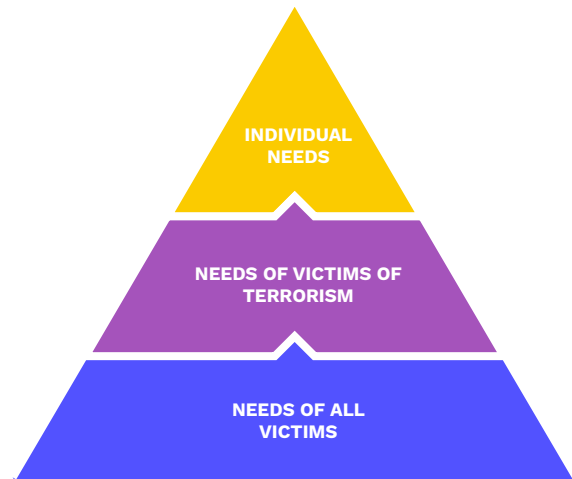


- Europol (2020) TE-SAT Report
- Institute for Economics and Peace (2019) Global terrorism index

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 depends on the personal and environmental factors of the individual victim.

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

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

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



Needs of victims of terrorism

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

1. Recognition and respect: as victim of terrorism. In Malta, victims have the right to information provided in simple and accessible language, orally or in writing in a way that it is understood both at the time of the incident and during the criminal proceedings.
2. Support: While national law ensures that information is provided to the injured party as soon as s/he contacts the authorities and that an individual assessment is made, Maltese law only ensures that medical treatment shall be available for victims of terrorism for as long as it is deemed necessary.
3. Protection: physical protection, protection from secondary victimisation. The Maltese legislation (the Act) states that that victim support services must provide advice (unless otherwise provided by other public or private services) relating to the risk and prevention of secondary and

repeat victimization, of intimidation and of retaliation. The protection of victims is also referred to in respect of vulnerable victims such as minors. Victims also have the right to know if the alleged offender will be released from prison, made bail, or escaped which fall under the right of protection. Lack of such information can reignite previous, or aggravate current, psychological trauma especially if, by coincidence, the victim sees the alleged offender roaming in the community without the victim's knowledge.

4. Access to justice: safe participation in the criminal justice process. In Malta, victims can participate in the various phases of the criminal proceedings in different degrees, having different obligations and attributions, depending on the role they assume in the proceedings.
5. Compensation and restoration: financial compensation and help with the financial impact of a terrorist attack. Restoration includes overall recovery and restorative justice processes. In Malta, there is a Criminal Injuries Compensation Scheme in place through which a victim who has suffered any damage as a consequence of a violent intentional act (which could also be a terrorist act) may be legally eligible for compensation.

Individual needs

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

Further reading:



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

1. THE RIGHTS OF VICTIMS OF TERRORISM

1.1 VICTIM OF TERRORISM – DEFINITION UNDER NATIONAL LAW AND IMPACT

DEFINITION UNDER EU LAW Victim of Terrorism

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

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

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

Terrorist offence

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

DEFINITION UNDER MALTESE LAW

Chapter 539, The Victims of Crime Act, defines a victim as "(a) a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence; (b) family members of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person's death and (c) minors who are witnesses to forms of violence"¹.

Impact of terrorist attacks on victims

All victims of violent crime face physical, mental health, and financial consequences; however, the impact on those present at a terrorist attack experience a level of violence that is different to 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

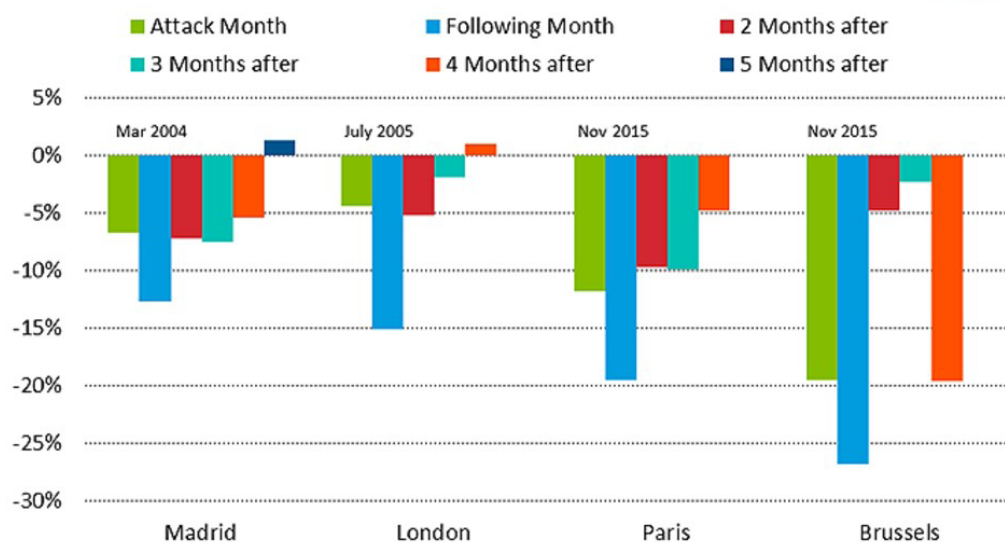
psychological reactions in family members, which may be further aggravated by the specifics of a terrorist attack: e.g. having to identify a severely damaged body.

IMPACT OF TERRORISM ON THE COMMUNITY

Terrorism not only affects the victims but impacts the community, especially if the community depends on tourism for its income. After the 9/11 attack, America experienced over a 10% decline in its tourism economy, while in Egypt the effect was as much as 30% because al-Qaida were responsible for this attack² (Bysyuk, 2010). Globally, over 6 million individuals lost their jobs and 8.6% of worldwide tourism was affected (Bysyuk, 2010). In 2016, the STR carried out a study comparing the rates of tourists within hotels, during 4 terror attacks in Madrid 2004; London 2005; Paris 2015 and Brussels 2015, from the month of the attack till 5 months after the attack³ (Higley, 2016). The results of this study are illustrated in the graph below:

EU Terror Attacks Impacts

Occ % Changes



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Malta is dependent on tourism as most of its income is derived from this sector. Between 2004 and 2016, Malta lost €26.5 million in economic deficits due to terrorist attacks in Europe⁴ (Vella, 2018)

CASE STUDY:

Various victim support services also provide definitions of a victim. Victim Support Malta defines a victim as a person who has “*suffered harm, including physical, mental or emotional harm or economic loss directly caused by a criminal offender*”. For clarity, Victim Support Malta also states that a person is considered a victim “*regardless of whether an offender is identified, apprehended, prosecuted or*

convicted and regardless of the familial relationship between them”. In addition, the Aditus Foundation (Accessing Rights) provides a Factsheet on the rights of victims of crime, which also contains the following definition: a victim is “*a person who has suffered harm, including physical, mental or emotional harm or economic loss, which was caused by a criminal offence; or family members of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person’s death*”.

¹ Victims’ of Crime Act, 2015.

² https://www.modul.ac.at/uploads/files/Theses/Bachelor/BYSYUK_Impact_of_9_11_on_US_and_International_Tourism_Development.pdf

³ <https://www.hospitalitynet.org/news/4075814.html>

⁴ https://www.maltatoday.com.mt/news/national/87321/terrorism_costs_malta_265_million_in_economic_losses#.YIPQf6GxXIU

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
- Portelli, C. 2019, VOCIARE National Report Malta

1.2 VICTIMS' RIGHTS TO RESPECT AND RECOGNITION

THE RIGHTS UNDER EU LAW

Recognition and respect underpin the healing process of victims as individuals and community members. Under EU law, Member States must ensure that victims are treated in a respectful manner by all those they come into contact with. Recital 16 of the Victims' Rights Directive mentions that victims of terrorism often need social recognition and respectful treatment by society.

Recognition and respect are established by ensuring that actors appreciate the victims' situation, their individual and group circumstances, the nature of the attack and how that can influence victims' behaviour.

Commemorative events and memorials form an integral part of the healing process for victims of terrorism, their families and all those affected.

Identification of victims and information about victims

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

- Establish the identity of the deceased and injured;
- Cross-refer these identities to the information received from the concerned public, friends and family members, who

fear that their loved ones were at the scene;

- Enable the authorities to make sure that the loved ones are informed about the loss of life or injury of those who were identified at the scene;
- Inform 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 determines to a large extent what the victim considers respectful treatment.

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

professional distance to provide the best possible support.

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

AN OVERVIEW OF RIGHTS IN MALTA

To enable the identification of victims of mass casualty events, helplines are set up and advertised via all types of media. These helplines also offer victim support as required. An example is the national response adopted during a motor show accident in 2015 when over 30 people were injured including 5 in a critical condition. Helpline numbers were immediately publicised and coordinated by Mater Dei Hospital.

Malta commemorates Victims of Terrorism by sending public officials (including high level Representatives) to attend appropriate memorial services, including regular attendance of the European Remembrance Day of Victims of Terrorism.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

Good practice – recognition of victims of terrorism in Spain:

In 2011, Spain adopted special legislation on the rights of victims of terrorism (Law 29/2011). The Preamble states that ‘With this Law, Spanish society [...] pays homage to the victims of terrorism [...]. This Law is therefore a sign of recognition and respect [...], inspired by the principles of memory,

dignity, justice and truth.’ Law 29/2011 allows for a variety of educational grants to be awarded, such as exemptions from academic fees, scholarships and educational support as well as the possibility to grant nationality to foreign victims of terrorism.

In addition, extraordinary or exceptional pensions can be awarded to victims of terrorism and their successors, even if they did not have the right to an ordinary pension under any social security scheme.

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
- Portelli, C. 2019, VOCIARE National Report Malta

1.3 VICTIMS' RIGHTS TO ACCESS INFORMATION

THE RIGHTS UNDER EU LAW

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

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

AN OVERVIEW OF RIGHTS IN MALTA

The right to receive information from first contact with a competent authority

Chapter 539, the Victims of Crime Act, gives victims the right to receive all information,

mentioned in Article 4(1) of the Directive, from a competent authority.

With the recent establishment of the Victim Support Agency, multidisciplinary teams assist victims in understanding their rights, accessing information, and providing support services such as accompanying victims to Court hearings and giving information on the date of the offender's release from custody. The Police Victim Support Unit forms part of this new agency to promote an understanding of the victims' situation and its role is to help victims access information throughout the court proceedings.

The right of victims to receive information on their case

As established in Article 6 of the Directive, is transposed into Section 4 of the Act. It is usually the remit of the lawyer to keep the victim informed; however, other data can be obtained from the Court Services agency, the Legal Aid Agency and the Victim Support Agency, which also includes staff from the Police Victim Support Unit. Interpreters are contracted to provide linguistic support for victims requiring this service.

Hearing impaired victims are usually given adequate access to information by way of a sign language specialist. Police officers will contact Agenzija Appogg, a national agency for families and the community, which then provides the relevant service.

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).

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 or 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, 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 plane crash the MH17 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
- Portelli, C. 2019, VOciare National Report Malta

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

.AN OVERVIEW OF VICTIMS' RIGHTS TO ACCESS SUPPORT SERVICES IN MALTA

Article 8 of the Directive - the right to access victim support services – is contained in Section 12 of the Act, which covers the assessment of and assistance to victims of crime, and in Section 13, which details the support that services must provide. The Act ensures the right of victims being able to access these services in a confidential manner, free of charge; before, during and, for an appropriate time, after the proceedings. On receipt of a complaint, and without any undue delay, the authority shall refer the victim to appropriate support services.

A distinction is made between victim support services (general) and “specialist support services”.

Victims of terrorism in Malta can expect to be supported, primarily, by the Crisis Intervention Unit within the Ministry of Health and the Malta Police Force. The victim can later make use of the Victim Support Agency (VSA), which acts as the national point of contact for victims of crime.

The Victim Support Agency (VSA) cooperates with non-governmental organisations, such as Victim Support Malta (VSM)¹, in assisting victims of crime. VSM has 3 main services: its core services, CVSA and SPOT. The core services are for general victims of crime; CVSA is a specialised service for victims, who have been sexually assaulted; and SPOT specialises in assisting victims, who have tried to commit suicide.

The emergency hotline², which was set up by Agenzija Appogg (the social services department in Malta) also provides support for victims of crime. The hotline is a government funded, free service that is available on a 24/7 basis. Law enforcement authorities often encourage victims to call the hotline to talk to trained volunteers that can refer them to specialist services, if necessary. Follow up sessions and discussions are available for those victims that require them.

There are many other organisations, which work with different groups of people (for example, migrants, people with disabilities, and children) that may be involved in providing support to victims of terrorism.

¹ <https://victimsupport.org.mt/>

² <https://fsws.gov.mt/en/appogg/Pages/supportline.aspx>

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.

Victim assistance centres

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

The Malta Police Force acts as the central contact point within the government.

Other types of support

Other types of support can be provided by the Ministry of Health, Ministry of Home Affairs, National Security and Law Enforcement, and the Victim Support Agency.

Further reading:

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



1.5 VICTIMS' 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 MALTA

Victims may either employ a private solicitor or seek Legal Aid assistance. **The right to Legal Aid** was transposed into national law through Section 10 of the Act. The mission of Legal Aid Malta is to ensure that the low-income persons are professionally and legally represented in a broad spectrum of litigations, defence and advocacy in a democratic society.

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.

As trials for terrorist attacks and other

disasters involve large numbers of victims, there may be a requirement for more support than at other criminal proceedings.

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.

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.

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
- Portelli, C. 2019, VOciare National Report Malta

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 MALTA

The **victim's right to protection** is referred to in Clause 12(b)(v) of the Act, stating that victim support services must provide advice (unless otherwise provided by other public or private services) relating to the risk and prevention of secondary and repeat victimization, of intimidation and of retaliation. The protection of victims is also referred to in respect of vulnerable victims such as minors (Clause 14).

In Maltese law, **the right to avoid contact between the victim and the offender** may be ensured through the use of video conferencing before a court of law, although there is still a risk of an encounter in police stations and court room corridors as there is a lack of defined waiting rooms¹ for victims and offenders.

The victim's right to be accompanied by a person of their choice takes place if, due to the impact of the crime, "the victim requires assistance to understand or be understood". It is a general practice for law enforcement authorities to allow a "friend" to accompany the victim during investigations; victims can also be accompanied by a legal representative during criminal investigations. However, the victim is often refused physical support (of friends or a social worker) during medical examinations.

In line with the laws of criminal procedure in Malta, a court of law can authorise video conferencing as well as issue a protection order in favour of the victim to ensure that **the privacy of victims is protected**. For minors and in domestic violence cases, the court can issue an order for anonymity in proceedings.

It is standard procedure that the media does not publish, by any means, the identity of victims who are minors. However, there are no sanctions under Maltese legislation if the privacy of the victim is not protected by the media. Moreover, the Maltese media are yet to adopt self-regulatory measures to ensure a victim's privacy as prescribed by Article 21(2). It must be noted, however, that in sensitive cases the court can, at its discretion, order that proceedings are heard in anonymity and any media or third party defying such a court order can be found guilty of contempt of court and be tried in a criminal case.

As victims are expected to make their complaints in public at local police stations, and as it is unlikely that they will be immediately shown to a private area, their privacy will often be negatively impacted.

The two-step procedure for the individual assessment of victims to identify specific protection needs (as envisaged in Article 22 of the Directive) is dealt with in Section 12 of the Act, which deals with the assessment of, and assistance to, victims of

¹ https://victimsupport.eu/activeapp/wpcontent/uploads/2019/08/VOCIARE_National_Report_Malta_interactive.pdf

crime. Particular emphasis is placed on 12(a) and “the timely and individual assessment of victims”, which appears to determine whether the victim has any specific protection needs. Once a complaint is lodged, the competent authorities can, after making an individual assessment of the victim, determine whether or not they are considered particularly vulnerable, as defined in Clause 12(a) of the Act.

The procedure foresees that the needs-based assessment is carried out after a police report is filed and evaluates whether the victim requires continued support. There is no overall presumption of vulnerability, nor is a standardized form or tool: assessments are conducted on a case-by-case basis.

To assess the risk associated with a victim’s safety,

law enforcement authorities are working on a standard set of questions to create a template, which will design a safety plan for the victim and will identify the risk factors that may result in repeat victimisation, intimidation or retaliation.

With respect to the **right to protection of victims with specific protection needs during criminal proceedings**, a support person may be appointed to assist children throughout the trial. In addition, victims with disabilities may have the support or assistance of a police officer, who will be made available to accompany them during the trial.

Authorities do not have a Standard Operating Procedure (SOP) for victims of crime, however, there seems to be an informal approach to remedy any shortcomings or needs on a case-by-case basis.

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/ 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 retraumatising to victims and victims' families. It is advised that victim support organisations are sensitised about the

recurrence of distressing images in order that this can be dealt with in a victim-sensitive manner.

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

In Malta, the audit of police systems is a positive practice adopted by law enforcement agencies. Systems are regularly audited so any data that is assigned, amended, read or accessed is logged. Through these mechanisms, it can be established whether private information is being divulged and action can be taken against the offender. There have been instances of police officers being prosecuted for disclosing investigative information to the media.

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.

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
- Portelli, C. 2019, VOCIARE National Report Malta



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 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 MALTA

The victim's right to protection is referred to in Clause 12(b)(v) of the Act, stating that victim support services must provide advice (unless otherwise provided by other public or private services) relating to the risk and prevention of secondary and repeat victimisation, of intimidation and of retaliation. The protection of victims is also referred to in respect of vulnerable victims such as minors (Clause 14). There is no reference to protection of the victim's family members.

Media reports¹ refer to a lack of faith in the criminal justice process and that it is often felt that the system creates secondary victimisation, which hinders rather than helps the victim's situation. Major problems arise in guaranteeing the protection of victims from secondary and repeat victimization, with victims constantly being faced with such situations to the point where they would "require psychiatric help". Survey findings support this view, with the general opinion being that victims and their family members are not receiving adequate

¹ https://victim-support.eu/wp-content/files_mf/1564676895VOCIARE_National_Report_Malta_interactive.pdf

protection against the risk of emotional or psychological harm.

To be able to protect the victim from further trauma, standards should be in place regarding the optimal length between the time a crime is reported and an interview takes place. Interviews should be conducted in a timely manner as they are the “gatekeeper of the information needed to trigger an investigation” . However, there are

no such standards in place and often a victim “would have to repeat the story again”. There have also been situations where the victim was made to repeat their story “for veracity and credibility”. Survey responses also indicate that interviews are rarely conducted without unjustified delay. The most popular opinion is that the police are overworked and there is a delay in collaborating between the judicial authorities.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

Good practice – use of non-deferrable evidence in Italy:

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 complainants 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 distortion 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?
- Portelli, C. 2019, VOCIARE National Report Malta

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 victim's 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 RELATION TO ACCESS TO COMPENSATION IN MALTA

Secondary Legislation 9.12¹ enacted in 2012 provides for a Criminal Injuries Compensation Scheme through which a victim, who has suffered any damage as a consequence of a violent intentional act (which could also be a terrorist act) may be legally eligible for compensation. If the victim is eligible for compensation, as decided upon by the Claims Officer (the Attorney General), the victim may be given an interim award while determination of the case and, therefore, the final award is awaited. The Claims Officer may undertake arrangements necessary for the administration of the compensation they award (Regulations 17 - 21 of Secondary Legislation 9.12). Any benefits provided in other Member States will be taken into account when deciding the sum of compensation to be awarded.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



¹ <https://legislation.mt/eli/sl/9.12/eng/pdf>

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
- Portelli, C. 2019, VOciare National Report Malta

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

AN OVERVIEW OF RIGHTS IN MALTA

Article 17 of the Directive is transposed into Section 11 of the Act. Section 11 establishes that if a victim (who resides in Malta), of a criminal offence committed in another Member State, is unable to file a complaint in that Member State the victim may file a complaint in Malta

under article 546 of the Criminal Code.

National authorities must immediately communicate such an occurrence to the competent authorities of the territory where the crime was committed, unless proceedings were instituted by Maltese police.

In practice, cooperation with other Member States through videoconferencing is possible, but it appears not to be the preferred method of choice in Malta¹.

Compensation schemes

Malta has a positive track record in addressing issues of cross-border compensation for victims; it has had its fair share of cross-border applications from victims of crime for criminal injuries compensation, albeit none to date have had particular reference to victims of terrorism. The experience gained has been quite positive and there has been a smooth and efficient government-to-government cooperation between Malta and the Member State(s) involved.

Participation in criminal proceedings

As stated above, Maltese national authorities communicate with the competent authorities of the territory where the crime was committed, unless proceedings were instituted by Maltese police. Cooperation with other Member States through videoconferencing is an option.

¹ https://victim-support.eu/wp-content/files_mf/1564676895VOCIARE_National_Report_Malta_interactive.pdf

Translation of official documents

In most EU Member States, the translation

of official court documents is available to victims of crime and, therefore, for victims of terrorism; however, there is no specific information provided for translation practices in Malta.

Identification and support

Good practice example Italy:

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 Italian government 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 TERRORIST ATTACK ABROAD

On 18 March 2015, a terrorist attack took place at the Bardo Archaeological Museum in Tunisia. Among the victims, from two MSC cruise tour groups, 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 Tunis.

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 volunteer 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:



- 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
- Portelli, C. 2019, VOciare National Report Malta

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

Article 24 – the right to protection of child victims during criminal proceedings is transposed into 14 and 14A of the Act. During a trial, it is the child advocates, specialist lawyers appointed by the Courts on behalf of the child, who make sure the rights and interests of the child are protected throughout the proceedings.

Interviews with child victims are almost always recorded audio visually. Child-only interview rooms are specifically designed to create a safe and stable environment for child victims. There are two such specially designed child-friendly rooms in Malta, one at the Agenzija Appogg and the other at the Vice Squad Unit at

the Police Headquarters in Floriana. In addition, hospitals have in place multi-disciplinary teams, comprised of a psychologist, a police officer and medical doctors, available to work with children; and there is a specific protocol (on how to reach out to children) in use.

Children as direct victims

As stated above, in Malta, children are protected by a series of measures during the criminal investigation and trial through the use of audio-visual recordings, child-only interviews, and with the help of multi-disciplinary teams.

Interactions 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 announcements.

As for interaction by the police with children, the Ministry of the Interior has equipped 60 “children’s rooms” across the country, which are reserved for interviews with children. 50 police officers have received special training on how to conduct interviews with children, based on international best policing practices.

Further reading:



- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- Portelli, C. 2019, VOIARE National Report Malta

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 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 MALTA Preparation and training – national perspectives or international good practices

Planning and co-operation

The Victims' Act does not transpose Article 26 of the Directive - cooperation and coordination of services; nevertheless, Malta is party to a series of Conventions related to the rights of

victims, including victims of terrorism:

- Council of Europe
 - European Convention on Mutual Assistance in Criminal Matters, April 1959 (in force in Malta since June 1994)
 - European Convention on the Compensation of Victims of Violent Crimes, November 1983 (in force in Malta since July 2015)
- European Union
 - Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, May 2000 (into force in Malta since June 2012)

Training

The newly established Victim Support Agency shall promote specialised training to professionals through its cooperation with government and non-governmental agencies set both at the national and international level. Furthermore, police recruits receive three months internal training at the Police Academy. Professionals from specialized services (such as victim support workers) are invited to contribute to this training. From time-to-time police officers and army members, of various ranks, attend training sessions to further their knowledge and skills. In addition to the initial training held at the academy, further training courses focus on specific groups of vulnerable victims¹.

Every year, the judiciary services hold an in-depth training programme with the focus on a specific crime (e.g. 2018 – hate crime and hate crime victims) though lawyers are not required to receive any mandatory training. However, optional professional development training is available on request.

¹ https://victim-support.eu/wp-content/files_mf/1564676895VOCIARE_National_Report_Malta_interactive.pdf

Emergency response phase – national perspectives or international good practices

With regard to international good practices in the crisis stage after a terrorist attack, the operational protocol of the Spanish Directorate-General for Support for Victims of Terrorism includes immediate, direct and up-to-date communication with the consulates and embassies of countries whose nationals are among the victims of the attack. For example, Spain has exchanged information on individual situations with France: as with the attacks in Catalonia, when 34 French nationals were among the victims. Officials in Spain and France already knew each other and were in regular contact, which made coordination simple and efficient, thereby benefitting the victims.

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 humanitarian and personal assistance, in the long term.

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.).

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 MALTA

On a national level, victims of crime, including terrorism, have the right to make use of the services coordinated by the Victim Support Agency, which are free of charge in accordance with Chapter 539 Victims of Crime Act.

This also includes the services provided by Victim Support Malta, which is a non-governmental organisation that offers various services i.e. the provision of emotional support to assist in overcoming post-crime trauma; legal information pertaining to the criminal procedures (e.g. the right to request compensation and to access forms of protection); and practi-

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



cal assistance (liaison with the police and other ancillary matters).

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.

In Malta, there are no organisations, which focus on the issues of victims of terrorism, and there are no victims' of terrorism associations.

Certified psychotrauma experts

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

The EUCVT has compiled a list of Psychotrauma 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

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. The EUCVT collates content 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 appropriate therapies, as well as the judicial processes involved in bringing terrorists to justice.

During the term of the pilot project, national authorities (departments of Justice, of Health, of the Interior; national police organisations, public prosecutors or law courts; national first responders; NGOs supporting victims of terrorism) may contact the EUCVT for information, 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 authorities or service providers in the appropriate Member State (or other country, 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](#)

