



HANDBOOK

ON VICTIMS OF TERRORISM

POLAND

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

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INTRODUCTION

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

The Victims' Rights Directive, together with provisions in the Counter-Terrorism Directive (Title V) and the Directive on Compensation, provide a general framework of rights for victims of terrorism. The Counter-Terrorism Directive goes beyond the Victims' Rights Directive to establish services supporting

the specific needs of victims of terrorism. EU Member States are bound by these instruments, have the obligation to transpose them into national legislation and to ensure that they are correctly applied in practice. In doing so, each Member State must evaluate how to implement these provisions to ensure measures are appropriate to the specific situation and to national circumstances.

In Poland there has been no significant history of terrorist victimisation. Given that Poland is a country of lower terrorist threat, Polish nationals are more prone to fall victims to terrorism in other countries, if at all.

The Law of 28 November 2014 on the protection and assistance of the victim and the witness sets out the rules, conditions and scope for the application of protection and assistance measures for victims in general, witnesses and their relatives.

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
- **Polish legislation**
 - Act of 28 November 2014 on protection and assistance for the victim and witness (ustawa z dnia 28 listopada 2014 r. o ochronie i pomocy dla pokrzywdzonego i świadka), O.J 2015 item 21 – PA Act

CRISIS RESPONSE STRUCTURE IN POLAND

In case of a terrorist attack in Poland, the Ministry of Interior is the main entity responsible for actions implemented both at the strategic level of the Polish anti-terrorist system and by subordinated/supervised services (e.g. the Government Centre for Security (RCB), the National Headquarters of the State Fire Service (KSRG)). In urgent cases, when the forces and resources held by the Ministry are insufficient to respond effectively to the threat, the Ministry of Interior launches - or supervises the launching of - the procedures contained in the National Crisis Management Plan.

The division of competences in relation to on-site management of a terrorist attack is as follows:

- the Police is responsible for ensuring efficient cooperation with other services and institutions, as well as with territorially competent public administration bodies, including organizing communications for the purposes of command and alarm;
- rescue operations are conducted by entities of the national rescue and fire-fighting system; the medical rescue operations are conducted by the State Medical Rescue System;
- The Prosecutor is competent for conducting or supervising activities carried out as part of preparatory proceedings in criminal matters.

The web portal “antyterroryzm.gov.pl”, launched by the Inter-ministerial Team for Terrorist Threats in 2011 and continuously updated, includes guides on how to behave in case of terrorist attack, information on the Polish anti-terrorism system, the tasks of

services and institutions, as well as the current level of terrorist threat in Poland and emergency phone numbers. The “alert level” is introduced when there is a threat of a possible terrorist attack or when the event occurs. The “CRP level” is introduced when there is a threat of a possible terrorist attack against critical infrastructures or when the event occurs. At present, the response system has not been tested in practice in Poland.

According to the 2015-2019 National Antiterrorist Plan , ‘the victims of an attack are assisted, in accordance with their needs, with the professional help of representatives of: Police, courts and prosecutor’s offices, school superintendents, administration, health care, social assistance centers and local government units.’

With regards to communication with the public in the event of a terrorist attack, the 2015-2019 National Antiterrorist Plan foresees that the public is to be quickly and effectively informed about the magnitude of threat, victims and fatalities, and certain behaviour can be recommended in the wake of the attack (e.g. to inform the authorities about suspicious objects/persons, to stay at home etc.). It states that communication with the public in this area requires competence and prudence from services and institutions as well as mass media, which should consider security-related risks and consequences resulting from sharing the information. The result of an improperly worded message may provoke disinformation, panic or impediment to anti-terrorist, rescue or assistance activities.

Further reading:



- National Antiterrorist Plan for years 2015-2019
- Council of Europe, Profiles on Counter-Terrorist Capacity, Poland report
- 🌐 Overview of the National Disaster Management System
- Ministry of the Interior web portal on the Polish anti-terrorism system

TERRORIST ATTACKS

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

Key characteristics

Influential key characteristics include:

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

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

Scale

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

attack, the greater the media attention will be on the victims, their families and society.

Location

In the recent past, attacks have tended to concentrate on a single localised area. However, in the 2004 Madrid attacks, 10 bombs exploded in a coordinated manner in different locations while 3 others were found unexploded subsequently. Also, during the Paris attacks in November 2015, six separate attacks took place in different locations within a short period of time. The multiple sites, in both enclosed and open venues, and numbers of victims created a chaotic environment: identification of victims and securing individual locations required complex management of the various services involved.

Timing

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

Weapons

Bombs are not the only weapon used by terrorists: trucks are driven through crowds; airplanes are taken down by missiles; suicide vests, knives,

firearms, chemical, biological, radiological or nuclear (CBRN) agents etc. are used. Each weapon impacts its victims differently and will require a different response: for example, the truck attack in Nice initiated a new approach in defining victims eligible for compensation and the French government delineated zones around the attack location to help establish victim lists. The 2017 attacks in Barcelona and Cambrils were perpetrated via a similar weapon as in both cases a van and a car respectively deliberately crashed into the crowds.

Target groups and organisation

Various ideologies motivate terrorists to carry out attacks: e.g. antisemitism (Halle, Germany in 2019), jihadism (London, UK in 2019), right-wing extremism (Hanau, Germany in 2020), etc.

Europol's annual Terrorism Situation and Trend (TE-SAT) Report lists jihadist, ethno-nationalist and separatist, left-wing and anarchist, right-wing and single-issue terrorist groups, in addition to a new grouping of attacks committed by informal organisations or lone wolves.

Cyberterrorism

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

CASE STUDY: 2004 MADRID ATTACKS

Scale

The Madrid train bombings were the deadliest terrorist attack in Spain: a total of 193 people from 18 countries were killed, another 2.000 were physically injured, and many more were psychologically affected.

Location

Several bombs were placed on 4 different

trains: 10 exploded, while 3 others were subsequently discovered unexploded.

Timing

Around 7.40 am on 11 March 2004, multiple coordinated explosions took place.

Target groups and organisation

The judicial sentence adopted by the National High Court on 31 October 2007 confirmed that the attack had been committed by jihadist groups.

Further reading:

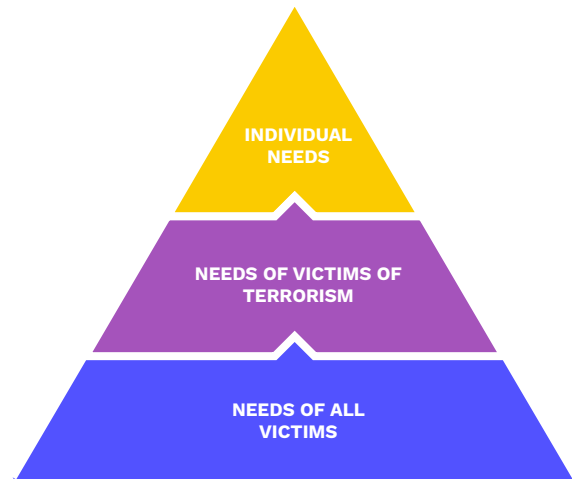
- Europol (2020) TE-SAT Report
- Institute for Economics and Peace (2019) Global terrorism index



VICTIMS' NEEDS

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

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



Layers of needs

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

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

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

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.*
2. *Support: medical care, specialised psychological-trauma care, information, practical assistance, legal assistance, communication (media) support, peer support, etc.*
3. *Protection: physical protection, protection from secondary victimisation.*

4. *Access to justice: safe participation in the criminal justice process.*

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

Individual needs

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

Further reading:



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

1. THE RIGHTS OF VICTIMS OF TERRORISM

1.1 VICTIM OF TERRORISM – DEFINITION UNDER NATIONAL LAW AND IMPACT

DEFINITION UNDER EU LAW Victim of Terrorism

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

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

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

Terrorist offence

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

DEFINITION UNDER POLISH LAW Victim of Terrorism

There is no specific definition of "victim of terrorism" in the Polish law. On the other hand,

the definition of "victim" according to the Polish Code of Criminal Procedure is broad: victims may be both natural and legal persons, whose legal interest has been directly violated or threatened by a crime, regardless of their origin, age, race, sex, or beliefs. Accordingly, if it is possible to determine that a criminal action has resulted in the violation of or even a threat to the legal interest of a given person, then the latter is treated as a victim. This notion refers to all interests protected by the law, including health, life, freedom, property. Therefore in the case of crimes against life, health, property and freedom, the authorities conducting the criminal proceedings grant the status of a victim of crime to victims of this kind of crime, and in cases where the victim has died as a result of a crime, their relatives receive the status of victims.

Terrorist offence

The Act of 6 June 1997 - Penal Code penalises individual terrorist acts on the basis of general criminal provisions (i.e. crimes against peace, humanity and war crimes, crimes against the Republic of Poland, crimes against defence, crimes against life and health, crimes against public security, crimes against safety of transportation, crimes against public order etc.). As established in Article 115, an offence of a terrorist nature is a prohibited act committed in order to: seriously intimidate several persons; compel the public authority of the Republic of Poland or of another state or of an international organisation to undertake or abandon specific actions; cause serious disturbance to the constitutional system or to the economy of the Republic of Poland, another state or international organisation (including the threat to commit such an act).

CASE STUDY: DEFINITION OF VICTIM OF TERRORISM UNDER FRENCH LAW

To keep the notion of victim as broad as possible, French law does not define the term ‘victim’ nor does it describe the types of victims. The concept of victims is used for topics related to compensation and responsibility: as per Article 2 of the French Criminal Procedure Code (CPC) on civil action, a victim is a person, who has been injured as a result of an event, which can be qualified as a criminal offence and entails the referral to criminal justice.

More specifically, with regard to the recognition as victim of terrorism under French law, after a terrorist attack the National Anti-Terrorist Prosecutor’s Office draws up a list of victims, including the deceased and injured unconscious persons. Other injured victims must be recognized by the Guarantee Fund for Victims of Terrorism and Other Offences (*Fonds de Garantie des victimes de terrorisme et d’autres infractions* – FGTI),

which receives claims for compensation from all those, who consider themselves victims of terrorist attacks and on this basis completes the initial list. The FGTI is competent to decide whether these claims are admissible and if it refuses to compensate someone on the grounds that the person is not a victim of terrorism, the decision may be contested before the Compensation Judge for Victims of Terrorism (JIVAT), who will decide the matter. Based on both the Prosecutor’s Office and FGTI’s lists, the Ministry of Justice (*Service de l’accès au droit et à la justice* - SADJAV) draws up a “shared list” (*liste partagée*), which is then sent to all the actors involved in the accompaniment of victims of terrorism.

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

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
- VOciare National Report Poland
- Council of Europe, Profiles on Counter-Terrorist Capacity, Poland report
- Act of 6 June 1997 – Criminal Code (Ustawa z dnia 6 czerwca 1997 r. - Kodeks karny), O.J. 2016/1137 – CC
- Act of 6 June 1997 – Criminal Procedure Code (Ustawa z dnia 6 czerwca 1997 r. - Kodeks postępowania karnego), O.J. 2016/1749 – CPC

1.2 VICTIMS' RIGHTS TO RESPECT AND RECOGNITION

THE RIGHTS UNDER EU LAW

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

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

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

Identification of victims and information about victims

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

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

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

Recognition

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

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

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

Respect

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

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

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

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

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

with disabilities.

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

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

AN OVERVIEW OF RIGHTS IN POLAND

No specific rights in relation to victims/victims of terrorism under the category respect and recognition have been identified in Poland.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

CASE STUDY: VICTIMS' REGISTRATION IN FRANCE

The French Ministry of Justice is engaged in improving its victim registration procedure. A digital tool is currently being designed to list

victims of major crises, along with their contact details and details of their family members, within one single file. This tool will ensure that privacy and data protection rights are respected and the information it contains will only be available to organisations, which assist victims in exercising their rights.

CASE STUDY: PRACTICES IN SPAIN WITH REGARDS TO:

Identification of victims

Bearing in mind that, in an event with a high number of victims, the recovery and identification of victims is key to being able to hold the judicial investigation, and the return victims' remains to the families in the shortest time possible, the Spanish Ministry of Justice has prepared a *Guide for Intervention and Identification of Victims* to help family members, professionals and experts involved in the management of the event.

Awards

The *Royal Order of Civil Recognition of Victims of Terrorism* was created with the intention of honouring the deceased, injured or kidnapped in terrorist acts in Spain, relatives up to the second degree of consanguinity, and witnesses.

Commemoration

27 June has been declared the *Day of remembrance and homage to victims of terrorism* in Spain and since 2005, 11 March has been adopted as the *European Day of Remembrance of the Victims of*

Terrorism to commemorate the Madrid bombings of 11 March 2004. On both days, the Spanish Government promotes acts of recognition of the victims of terrorism in coordination with associations, foundations and not-for-profit entities. The Victims of Terrorism Memorial Centre (*Fundación Centro para la Memoria de las Víctimas del Terrorismo*) is a state public sector foundation, affiliated with the Ministry of Interior, set up to commemorate all Spanish victims of terrorism.

Monuments

They create a physical place where victims can gather to share their individual loss with society. Victims were involved in the planning and development of the memorial monument at the El Pozo station, where 68 out of the 193 victims of the 2004 Madrid attacks died.

Honorary citizenship

Following the 2004 bombings in Madrid, Spanish naturalisation laws were used to extraordinarily grant Spanish nationality to foreign victims of terrorism, to acknowledge their loss and pain. Some victims of the attacks in Catalonia have also obtained Spanish nationality by "letter of nature", an exceptional way to gain nationality.

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
- Guide for the identification of victims (Guía para la identificación de víctimas) (in Spanish)
- 🌐 Fundación Centro para la Memoria de las Víctimas del Terrorismo, (in Spanish and English)

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 POLAND

The information about the support system for victims of all crimes is available at the website of the Ministry of Internal Affairs, which indicates the steps to be taken by the victims in order to request support (including legal advice, translation services, psychological and material support) as well as the organizations responsible for providing support services. Also victims approaching the center support services for crime victims - which are provided in each province (voivodeship) throughout the

country - receive information about the scope and form of the support provided. Victims can approach these centers in person or by phone. Moreover, all judicial authorities are informed on the functioning of the centres and provide this information to victims.

In accordance with the Regulation of the Minister of Justice of 13 April 2016 on specifying the model of guidance on the rights and obligations of the victim in criminal proceedings, victims receive information from the first contact with the competent authority via a written guidance provided by the Police and public prosecutor. These authorities are obliged to provide instructions on the rights and obligations of the participant to the proceedings, including, among others, information on the right to obtain information about the status of the case, the right to active participation in the proceedings, access to case files, the right to demand compensation for the damage caused by the crime and to apply for state compensation, the right to challenge certain procedural decisions. In accordance with the Code of Criminal Procedure, when the victim of a crime is unable to communicate with the Polish authority conducting the proceedings, the participation of an interpreter is mandatory.

In the case of a threat to the psychological health of the victim, witness or their closest persons, the authority conducting operational and investigative proceedings, inspection proceedings, preparatory proceedings or the court informs the victim or witness of the possibility to obtain psychological assistance provided by victim support organisations that received a subsidy from the Justice Fund. The Justice Fund is a special purpose fund aimed at helping victims and witnesses, preventing crime and post-release assistance.

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 expecta-

tions – as required by EU rules;

2. factual and topical information regarding the attack, the current situation, and the condition of loved ones;
3. dealing with the attack (involving reassurance and psycho-education on normal reactions and practical suggestions to encourage healthy behaviour).

Information centres

It is recommended that victims of terrorism are provided with a centralised, single contact point that coordinates the work of all those involved in the support and protection of victims. Additionally, a dedicated website, providing all relevant information, can act as – or be supported by – a one-stop-shop, a centre where a range of services (e.g., psychosocial, legal, medical and financial) is provided in the immediate aftermath of an attack.

PROVIDING INFORMATION IN CRISIS - INTERNATIONAL PRACTICE

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

France and the DIAV intends to launch an online information guide for French citizens, who are victims of a terrorist attack abroad.

In 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 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 such as the police, the Public Prosecutor, and the government. An IAC was also 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
- VOciare National Report Poland
- 🌐 Service of the Republic of Poland
- 🌐 Justice Fund (in Polish)
- 🌐 'One-stop victims' information and declaration portal' (French Government)
- 🌐 IAC Air Disaster Ukraine (Dutch Information and Advice Centre)

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 POLAND

As stated above, the website of the Ministry of Internal Affairs indicates the forms of support (legal advice, translation services, psychological and material support) available to all victims of crime free-of-charge and how to apply for such support. The system of support centres is financed by the Ministry

of Justice and is conducted primarily by non-governmental organizations. Emergency medical treatment is carried out by the units of the State Medical Rescue system.

According to the National Antiterrorist Plan for years 2015-2019, 'in the event of a terrorist attack, an important role shall be played by efficient organization of assistance to the victims, as a result of which it is possible to take direct intervention, psychological and legal measures. The victims of the attack will be assisted, in accordance with their needs, with the professional help of representatives of Police, courts and prosecutor's offices, school superintendents, voivodship administration, health care, social assistance centres and local government units. [...]'

No specific timeframes for the provision of the support however are indicated in the Plan. The Criminal Executive Code (CEC) on the other hand provides that the psychological support must be provided within 14 days from the request of the court or the authority conducting preparatory proceedings.

It is worth noting that in Poland victim support organisations receive a subsidy from the Justice Fund to provide psychological assistance. In the event of a threat to the mental health of the victim, witness or persons close to them, the authority conducting investigative proceedings or the court informs the victim or witness about the possibility of obtaining such assistance.

Finally, no information about the confidential character of the support services has been identified.

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.

The project «Victims of Crime Support Network», funded by the European Commission, aimed at creating an integrated system of assistance to victims of crime in Poland. Since the end of the project, victim support organisations receive funding from the Justice Fund. 16 Aid Centers operate throughout the country. In order to ensure accessibility, some of the Centers have established branches in the provinces in which they operate (Kujawsko-Pomorskie, Małopolskie, Podlaskie, Pomorskie, Zachodniopomorskie provinces). The center provides support to victims of the crime in obtaining free legal, psychological, social and other benefits.

CASE STUDY: ORGANISING SUPPORT IN SPAIN

In Spain, all professionals from the Directorate General of Support to Victims of Terrorism receive appropriate training in trauma informed assistance. These professionals proactively contact victims as soon as after a terrorist attack as security and medical conditions allow and provide information to victims and families. Moreover, they also support victims in their pursuit of compensation, pensions, labour rights, subsidies, and other benefits.

The Medical Advisory Board categorises the injuries by evaluating the permanent consequences of the damages: disabilities, permanent non-disabling injuries, or

psychological damages. From the first interaction, public Victims of Terrorism (VoT) assistance mechanisms aim at facilitating recovery from such consequences.

Since 2016, Spain has had a National Network of Psychologists for the Assistance of Victims of Terrorism (bringing together 230 members), to whom the Ministry of Interior refers all victims of terrorism needing therapeutic psychological support. On 18 June 2015, the Spanish Ministry of Interior signed an agreement with the Spanish National Council of Psychology to guarantee quality psychological care for victims of terrorism and effective treatment commensurate with the special needs of the victims. This agreement was updated in 2019.

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.

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

In France, the *Centre d'Accueil des Familles* (CAF) was set up under the authority of the prefect of the competent Department in Strasbourg, on 12 December, to provide immediate treatment and support for victims of the terrorist attack of 11 December 2018. It mobilised the resources

of local associations of the France Victimes network, SOS Aide aux Habitants FV67 and VIADUQ FV67 to assist the victims. Nearly 700 victims were helped in the aftermath of the attack. Such centres are set up whenever a terrorist attack causes multiple direct victims. In certain cases (as for the 2015 Paris attacks, the 2016 Nice attack and the 2018 Strasbourg attack) the CAF, as such, closes after the crisis phase, and the new information and support centre (*Espace d'information et d'accompagnement* - EIA) continues to provide support services for the rehabilitation of the attack survivors.

Central contact point within government

In December 2020, Poland indicated to the EU Council that discussions concerning the nomination of their single contact points for victims of terrorism are ongoing.

GOOD PRACTICE: OTHER TYPES OF SUPPORT IN FRANCE

- The ONAC-VG (*“Office National des Anciens Combattants et Victimes de Guerre”*) recognizes the victims of terrorist attacks as war-wounded and provides for their life-long care, financial, educational, and professional help.
- In 2016, a local oversight committee for victims of acts of terrorism (*Comité Local d’Aide Aux Victimes, CLAV*, as of 2017) was created at the level of the Departments of the French Republic. The committee ensures the coordination of all local actors involved in victim assistance to ensure the best possible support to victims of terrorism. For example, the Strasbourg CLAV meets at least once a year to ensure that the needs of victims of the 2018 Strasbourg attack are taken care of, and to discuss any difficulties that victims may face individually. The DIAV oversees the development and activities of all local-level committees.
- The inheritance of those, who died because of an act of terrorism, is exempt from tax.
- Specific health insurance coverage, entailing free care for the length of the convalescence, applies to victims of terrorism.

Further reading:



- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- German Presidency Report (2020) State of play regarding support to victims of terrorism, particularly in cross-border situations
- VOciare National Report Poland
- Victims of Crime Support Network
- 🌐 Service of the Republic of Poland
- The Criminal Executive Code of 6 June 1997 (ustawa z dnia 6 czerwca 1997 r. - Kodeks karny wykonawczy) O.J. 1997 no 90 item 557 - CEC
- 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 POLAND

No provisions have been identified with specific reference to victims of terrorism.

In general, victims who participate as witnesses are heard at the stage of preparatory proceedings and at court proceedings, when they have the right to free expression while giving their testimony. When victims participate in the capacity of an auxiliary prosecutor, their possibilities of action - including free expression - are wider (e.g. right to

submit evidence in the course of all preparatory proceedings and court proceedings until the hearing is closed).

Victims have the right to legal aid if they have the status of parties to criminal proceedings. In cases where victims cannot afford to appoint an attorney of their choice, they may request legal aid ex officio. The court evaluates the application for legal aid ex officio based on the state of the case, its nature and complexity, as well as the victim's resourcefulness or ineptitude, health condition or disability.

The reimbursement of the costs of the victims' participation in criminal proceedings depends on their role in the proceedings. In the event that victims limit their role in the proceedings and participate in the capacity of a witness, then they are entitled to reimbursement of earnings or income lost due to their presence at the request of a court or an authority conducting preparatory proceedings. In accordance with the Code of Criminal Procedure, witnesses are entitled to reimbursement of travel expenses from their place of residence to the place where the proceedings are conducted at the request of the court or the authority conducting the preparatory proceedings.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

Large scale attacks

Criminal proceedings and trials for large scale attacks are complex. Large numbers of victims and witnesses are involved and all share the

right to participate in the trial. States may need to establish special measures to facilitate 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.

CASE STUDY: ADDITIONAL SUPPORT TO VICTIMS DURING CRIMINAL PROCEEDINGS FOR LARGE SCALE ATTACKS

The trial held following the 2004 Madrid attacks is one of the largest ever held in Spain and took place between 14 February and 2 July 2007 (a total of 57 hearings were held). The trial was attended by 300 witnesses, 60 experts, three victims' associations and 15 private attorneys, who joined the public prosecutor in the criminal charges, and 150 mass media representatives,

who reported on the trial. To ensure support for the victims attending the trial, a pavilion was set up in the Casa de Campo. Social workers, psychologists, and association members accompanied the victims, providing them with emotional and practical support.

For the trial following the 2015 Paris attacks, a courtroom of 550 seats was built within the heart of the historic Paris courthouse. Over 17 additional rooms, allowing the broadcasting of the proceedings, have been made available, and a secure online radio, for victims wishing to follow the hearings from their homes, has been established.

Public inquiries

Victims of terrorist attacks, as other victims, express a need for truth. They want to know what happened, how it happened, who was involved

and why. The instigation of formal criminal procedures takes time and victims are often left without answers. A public inquiry can serve as an alternative means of answering the questions of victims and society as a whole.

INTERNATIONAL EXAMPLES OF PRACTICAL APPLICATION

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

In Germany, the Federal Government Commissioner can act as an intermediary between the victims and those responsible for the criminal investigation in the aftermath of the attack. Even where the investigation is still ongoing, the Commissioner can, for example, set up a meeting between these two parties. During such meetings, victims can directly question those leading the investigation.

Further reading:



- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- German Presidency Report (2020) State of play regarding support to victims of terrorism, particularly in cross-border situations
- VOIARE National Report Poland
- Act of 6 June 1997 – Criminal Procedure Code (Ustawa z dnia 6 czerwca 1997 r. - Kodeks postępowania karnego), O.J. 2016/1749 – CPC
- Procès des attentats du 13 novembre: une webradio pour les parties civiles

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 POLAND

No provisions have been identified with specific reference to victims of terrorism. In general, Act of 28 November 2014 establishes the rules, conditions and scope for the application of protection and assistance measures for the victim, the witness and their relatives, if there is a threat to the life or health of the victim or witness in connection with the ongoing or terminated criminal proceedings. When assessing the degree of threat to the life or health of victims, witnesses or their

closest relatives, the following factors are considered: the victims' personal properties and conditions, relationship with the offender, the type, manner and circumstances of the crime committed and motivation of the offender.

Protection and assistance measures include: protection for the duration of the proceedings, personal protection (e.g. permanent or temporary presence of Police officers close to the protected person) and assistance in the change of residence. In the latter case, when the person has no means for living or cannot work because of a threat to life or health, they may be provided with financial assistance to cover basic life needs, costs of temporarily provision of housing/renting, and the costs of obtaining health care services, up to the maximum amount of PLN 3500 per month (approximately EUR 760), PNL 2000 for a minor (approximately EUR 430).

A Questionnaire for individual assessment of victims' specific protection needs was developed to assist Police officers in determining what protection and assistance measures should be applied in a given case. It is a standard document, which, however, allows to make an individual assessment in a specific situation.

Finally, with regards to the protection of privacy, in the event that the victim of a crime asks the authority conducting the proceedings to protect their privacy, the authority of such proceedings is obliged to protect both the victim's personal details and their image. The media are obliged to respect the victims' right to privacy and cannot publish full personal details of victims or their image without the consent of the victims.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES Government and the media

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

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

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

Victims and the media

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

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

It is difficult to restrict harmful information flows on social media channels. However, these can also 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.

GOOD PRACTICES OF WORKING WITH THE MEDIA IN SPAIN AND FRANCE

Some institutions and media in Spain, for example, the Spanish Public Radio Television (RTVE), have published recommendations on the treatment of victims of terrorist attacks by the media. In particular, care must be taken to guarantee the use of language and the rigorous reporting of truthful information. According to the recommendations, reporting on victims of terrorism must be done with the utmost respect for their situation and privacy, as

well as with recognition of the pain of their relatives.

In France, the French Audiovisual High Council (*Conseil Supérieur de l'Audiovisuel*, CSA) held hearings, namely with victim support associations and other authorities, to draft a Charter of Good Practices for the media in the case of terrorist attacks, which includes a reminder of ethical rules.

Moreover, in the context of the trial for the November 2015 Paris attacks, victims can choose to get a red or green badge cord for the press to know whether they agree or not to be approached.

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
- VOciare National Report Poland
- German Presidency Report (2020) State of play regarding support to victims of terrorism, particularly in cross-border situations
- Act of 28 November 2014 on protection and assistance for the victim and witness (ustawa z dnia 28 listopada 2014 r. o ochronie i pomocy dla pokrzywdzonego i świadka), O.J 2015 item 21 – PA Act
- Manual del Estilo de RTVE (in Spanish)
- CSA, Précautions relatives à la couverture audiovisuelle d'actes terroristes (in French)
- Procès des attentats du 13-Novembre : témoigner ou oublier, le dilemme des victimes (in French)

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 POLAND

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

With regards to training of professionals it is noted the following:

- Professionals providing legal, psychological and psychiatric helps at assistance centres for victims of crime are specifically trained;
- As concerns prosecutors and judges, the National School of Judiciary and Public Prosecution in Krakow includes, among the topics of training, the protection of the rights of victims;
- As regards attorneys and legal advisers, professional chambers (Bar Associations) are responsible for the organization of professional training for its members and membership is compulsory. The training courses conducted by representatives of other legal professions, including judges and prosecutors, foresee, among other topics, the issue of assistance to victims of crime, principles of conducting proceedings with the participation of victims and rules for providing legal assistance to victims.

No information about activities specifically aiming at preventing secondary victimisation of victims of terrorism has been identified.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

CASE STUDY: DEVELOPMENT OF GUIDANCE TO AVOID SECONDARY VICTIMISATION

The “Victims of Terrorism Quality Assistance Guide” resulted from the collaboration, which started in 2015, between the Ministry of the Interior, with its General-Directorate for Support to Victims of Terrorism, and the Spanish Psychological Association (*Consejo General de Colegios Oficiales de Psicólogos - COP*).

The Guide recognises the immense psychological impact caused by a terrorist

attack and provides various genres of professionals with information on various victims’ reactions to the trauma of terrorist victimisation. In addition to psychologists, there are other actors involved in assisting victims. This Guide aims to provide the State Security Forces, the fire brigade, local police officers, social workers, public authorities, consular office staff, members of associations and foundations of victims of terrorism, and any other groups offering assistance to victims, with an efficient tool in the provision of quality victim support and to minimise, or at least not to increase, the psychological damage they suffer.

Further reading:



- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- VOciare National Report Poland
- 🌐 Vicente Colomina, Aída de (2019) Victims of Terrorism Quality Assistance Guide, also available on the Spanish Ministry of Interior’s website

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 POLAND

No provisions have been identified with specific

reference to victims of terrorism.

In general, victims may benefit from a system of state compensation under the Law of 7 July 2005 on state compensation for victims of certain criminal offences. Notably, the victim can apply for financial compensation from the State Treasury when they cannot receive compensation for lost earnings, medical treatment and rehabilitation costs, or funeral expenses from the offender/s, and when it is impossible to cover these costs from other sources (e.g. insurance or social assistance).

Accordingly, access to this scheme is available in cases when crime, including a terrorist crime, leads to victim's death or serious damage to their health, impairment of the functioning of a bodily organ or health issue lasting more than 7 days. This compensation is awarded by the court in the course of a separate procedure at the request of the victim.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

CASE STUDY: FUNCTIONING OF THE COMPENSATION SCHEME IN FRANCE

Victims are in direct contact with the FGTI and can be accompanied throughout the compensation process by France Victimes' support associations as well as other victims' associations, such as AFVT and FENVAC, in addition to the victims' lawyers, where appropriate. In the immediate aftermath of a terrorist attack, the FGTI makes a provisional payment to cover costs arising immediately after the attack (between 24 and 48 hours after). In this context the FGTI also covers the funeral costs for the bereaved families and directly contacts funeral services to assist families with this process. In any case, within one

month of receiving a valid claim from the victim, the FGTI will pay an initial amount; additional amounts can be paid, based on costs incurred and foreseeable final damages. New types of harm have been recognized, such as the harm of anxiety about imminent death. It is also possible for a team to visit the location of the attack, even if it is abroad, to assist victims and family members with the preparation of the compensation claim.

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

Further reading:



- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- VSE (2019) A Journey from Crime to Compensation
- German Presidency Report (2020) State of play regarding support to victims of terrorism, particularly in cross-border situations
- VOCIARE National Report Poland
- Act of 7 July 2005 on State Compensation of Victims of Certain Forbidden Acts, Journal of Laws of 2016
- 🌐 EU Centre of Expertise for Victims of Terrorism, EU Handbook on Victims of Terrorism

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 POLAND

No provisions have been identified with specific reference to victims of terrorism.

In general, the provisions of the Polish Criminal Procedure Code do not differentiate the rights of victims depending on their origin or place of residence. Victims are also informed about the right to report a crime in their country of residence and when Polish authorities receive a complaint regarding a case in which the authority of another Member State is competent, the

Polish authorities immediately transmit such complaint to the competent authority in the other Member State.

Compensation schemes

See above in subchapter 1.8, in the section on rights in Poland..

Participation in criminal proceedings

The proceedings involving victims who are citizens of other Member States are conducted in the same way as in the case of victims who are Polish citizens.

The authorities involved in the criminal proceedings receive the complaint and conduct the interview of the victim with the assistance of an interpreter, when needed, as soon as possible.

Witnesses are entitled to reimbursement of travel expenses from their place of residence to the place where the proceedings are conducted at the request of the court or the authority conducting the preparatory proceedings. In any case, according to the Criminal Procedure Code, it is possible to perform activities using videoconferences.

Translation of official documents

The Code of Criminal Procedure foresees that the victim who acts as an auxiliary prosecutor and does not speak/understand Polish is entitled to receive a decision subject to appeal or a decision ending the proceedings together with a translation.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

CASE STUDY: SPANISH APPROACH TO CROSS-BORDER ASSISTANCE TO FOREIGN NATIONALS AND NATIONALS VICTIMS ABROAD

Generally, cross-border victims in Spain receive the same treatment and are granted the same rights as Spanish nationals, who are victims of a terrorist act in Spain. In the case of foreign victims, the initial needs assessment will determine if the victim is to remain in Spain or return to their country of origin. If the victim remains in Spain, they are treated the same way as a Spanish victim would be, enjoying all available resources to meet their needs. This includes support from members of the National Network of Psychologists for Support to Victims of Terrorism, some of

whom speak English and French. If the victim of an attack in Spain returns to their country of origin, the Ministry of the Interior will pay for their psychological support.

In the 2017 attacks in Catalonia, Spain, many foreign victims were involved. Assistance, repatriation, information, and the subsequent processing of compensation claims were coordinated with the consulates of their countries of origin.

In the immediate aftermath, Spanish victims of attacks abroad, are supported by consular officers and, when is possible, team members of the Directorate General for Support to Victims of Terrorism - the specialist Spanish Governmental body - travel to the country where the attack occurred.

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
- VOciare National Report Poland

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 Poland, child victims in general are guaranteed to be heard in favourable

conditions and, especially in the case of very young children, with the participation of a child psychologist. According to the Code of Criminal Procedure, in cases of crimes committed with the use of violence (victims and child victims of terrorism would therefore be included) or illegal threat or offences against freedom, sexual freedom and decency, a victim who at

the time of the hearing is under the age of 15, can be heard as a witness once and only if the testimony might be crucial to the outcome of the case. Child-friendly rooms are used in cases when the interview of the child in the courtroom conditions might adversely affect the child's psyche.

INTERNATIONAL CASE STUDY – ACTION UNDERTAKEN TO FACILITATE SCHOOL REINTEGRATION OF CHILDREN INVOLVED IN THE 2004 MADRID ATTACKS:

The youngest victims often have difficulties in school integration after an attack, which is why a specific socio-educational intervention is required. After the 11 March 2004 attacks in Madrid, in which many minors lost their parents or were injured, a comprehensive intervention was carried out including the following actions:

- Personalised monitoring of the evolution of the injuries and specific situation;
- Coordination of principals, Parents' Associations (Asociaciones de Madres y Padres de Alumnado – AMPAS), teachers, psycho- pedagogical guidance teams and other staff from schools and institutes to promote the return to normal schooling;
- Coordination with social educators for their intervention in case of absenteeism;
- Coordination with psychological care departments of educational centres;
- Family counselling with psychologists specialised in child and youth care;
- Information to all students who were relatives of the deceased about the study aid and the exemption from academic fees for victims of terrorism.

Interactions between TV broadcasting or written media and children

In Poland, the media are generally obliged to respect the victims' right to privacy, i.e. they cannot publish full personal details of victims or their image without their consent, penalty the liability for violation of personal rights.

GOOD PRACTICE

In France, a Charter for Child Protection, promoting the engagement of the media in

protecting the image and the identity of child victims, was signed by the members of the media, the Ministry of Solidarities and Health, and UNICEF in February 2012.

Further reading:

- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- VOciare National Report Poland
- Charte protection de l'enfant dans les medias (in French)



3. ORGANISING SUPPORT

3.1 PREPARATION AND ORGANISATION OF THE 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 POLAND

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

In case of a terrorist attack in Poland, the Ministry of Interior is the main entity

responsible for actions implemented both at the strategic level of the Polish anti-terrorist system and by subordinated/supervised services. In urgent cases, when the forces and resources held by the Ministry are insufficient to respond effectively to the threat, the Ministry of Interior launches - or supervises the launching of - the procedures contained in the National Crisis Management Plan.

Training

With regards to training of professionals it is noted the following:

- Professionals providing legal, psychological and psychiatric help at assistance centres for victims of crime are specifically trained;
- As concerns prosecutors and judges, the National School of Judiciary and Public Prosecution in Krakow includes, among the topics of training, the protection of the rights of victims;
- As regards the training of attorneys and legal advisers, professional chambers (Bar Associations) are responsible for the organization of professional training for its members and membership is compulsory. The training courses conducted by representatives of other legal professions, including judges and prosecutors, include among other topics the issue of assistance to victims of crime, principles of conducting proceedings with the participation of victims and rules for providing legal assistance to victims.

EMERGENCY RESPONSE PHASE – NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

The division of competences in relation to on-site management of a terrorist attack is as follows:

- the Police is responsible for ensuring efficient cooperation with other services and institutions, as well as with territorially competent public administration bodies, including organizing communications for the purposes of command and alarm;
- rescue operations are conducted by entities of the national rescue and fire-fighting system; the medical rescue operations are conducted by the State Medical Rescue System;

- The Prosecutor is competent for conducting or supervising activities carried out as part of preparatory proceedings in criminal matters.

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

According to the National Antiterrorist Plan for years 2015-2019, ‘the victims of the attack are assisted, in accordance with their needs, with the professional help of representatives of: Police, courts and prosecutor’s offices, school superintendents, administration, health care, social assistance centers and local government units.’

INTERNATIONAL CASE STUDY – EMERGENCY AND LONG-TERM SUPPORT

In France, the Cellule Interministérielle d’Information du Public et d’Aide aux victimes (C2IPAV or infopublic) is activated in the immediate response phase, if an attack has affected a large number of people. Infopublic offers support to victims and their family members immediately after a

terrorist attack, it cooperates closely with local authorities and local victim support organisations to set up a family reception centre where victims and family members are registered and receive information and help from social workers, lawyers and trauma psychologists as needed. In the longer term, an office located within the French Ministry of Justice, Bureau d’aide aux victimes (BAVPA or Victim Support Office), will take over the coordination of support to victims.

Further reading:



- National Antiterrorist Plan for years 2015-2019
- Council of Europe, Profiles on Counter-Terrorist Capacity, Poland report
- 🌐 Overview of the National Disaster Management System
- VOciare National Report Poland
- 🌐 EU Centre of Expertise for Victims of Terrorism, EU Handbook on Victims of Terrorism

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 and 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 POLAND

In general, the victims' support system in Poland foresees two elements; the first is the institutional support from state authorities and local government, which includes the support of social assistance institutions; the second element is the Victim Support and Post-Penitentiary Aid Fund managed by the Minister for Justice who grants subsidies to NGOs and appoints them to run support centres for victims of crime. The aid financed by the Fund covers legal, psychological and material assistance. The centres also have funds allocated for translator/ interpreter services for people who do not have sufficient knowledge of Polish.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

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

by the state, by victim support organisations, or by a combination of both.

Victims' associations

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

INTERNATIONAL CASE-STUDY – VICTIMS' ASSOCIATIONS SUPPORT

France decided to assign the mission of victim support to associations, complementary to the State's mission for a better consideration of the victim's needs. Victims' associations in France provide multidisciplinary and long lasting support to victims and they are also included in the emergency plans: in the crisis phase following a terrorist attack or a mass

casualty event, victims' support associations are immediately involved to provide support to victims.

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

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.

GOOD PRACTICE: PSYCHOSOCIAL SUPPORT IN SPAIN AND FRANCE

In Spain, in April 2016, the Ministry of the Interior and the General Council of Spanish Psychologists presented the new National Network of Psychologists for the Care of Victims of Terrorism made up of 230 professionals, who will provide countrywide assistance and

support to victims of terrorism.

In France, the National Center for Resources and Resilience (CN2R) was created under an initiative of the Inter-Ministerial Delegation for Victim Support (Délégation Interministérielle de l'Aide aux Victimes - DIAV) with the intention to carry out research and share knowledge on psycho-trauma, to improve the support provided to all victims.

Further reading:



- VOCIARE National Report Poland
- 🌐 E-Justice, Rights as a victim of crime – Poland
- 🌐 Vicente Colomina, Aída de (2019) Victims of Terrorism Quality Assistance Guide, also available on the Spanish Ministry of Interior's website
- 🌐 French Association of Victims of Terrorism (Association française des victimes du terrorisme - AfVT)

4. EUCVT

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

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

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

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

Website

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

Experts

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

Contact details

eucvt@victimsupporteurope.eu

Further reading:

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

