



HANDBOOK

ON VICTIMS OF TERRORISM

ROMANIA

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.

Currently, the national law does not provide a specific legislative framework for victims of terrorism. Law No.211/2004 on certain measures to ensure the information, support and protection of victims of crime, as amended and supplemented by Emergency Government Ordinance no.24/2019, provides information,

support and protection measures for victims of crime, including victims of terrorist offences.

In Romania, after 1989, there were several attempts to carry out terrorist attacks, out of which only two that materialized, all the other ones being foiled by the competent structures:

- the attack on India's ambassador in Bucharest in 1991 and which reached its goal only partially (the ambassador was injured), being foiled by special forces (as a result of the intervention of special forces, of the four terrorists: one died, one was seriously injured, one was caught and one managed to disappear from the crime scene);
- a grenade was detonated in 2002 on the sidewalk in front of the Jean Monnet High School, the attempt resulting in the injury of five people.

According to several surveys¹, Romanians do not consider terrorism to be a national concern and are not worried about experiencing a terrorist attack in their daily lives. However, they do believe that this is one of the most difficult and important challenges for the European Union.

The lack of major terrorist attacks in recent history may be one of the driving factors for the absence of any specific measures addressing rights and needs of victims of terrorism² in Romania; therefore, general provisions for victims of crimes apply accordingly. There is an assumption that, in the case of a terrorist attack, provisions applicable in emergency response situations would be relevant, therefore, this handbook is informed by those respective rules, whenever possible.

¹ <https://www.statista.com/statistics/541424/incidences-of-terrorism-romania/>

² Brussels, 1 December 2020 (OR. en) 13175/2/20 REV 2 DROI PEN 105 COPEN 335 JAI 1004 CT 109 FREMP 126 SOC 736 NOTE From: Presidency To: Delegations No. prev. doc.: 12744/20 Subject: The state of play regarding support for victims of terrorism, particularly in cross-border situations - Report from the German Presidency

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 [Directive on combating terrorism](#)
 - 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

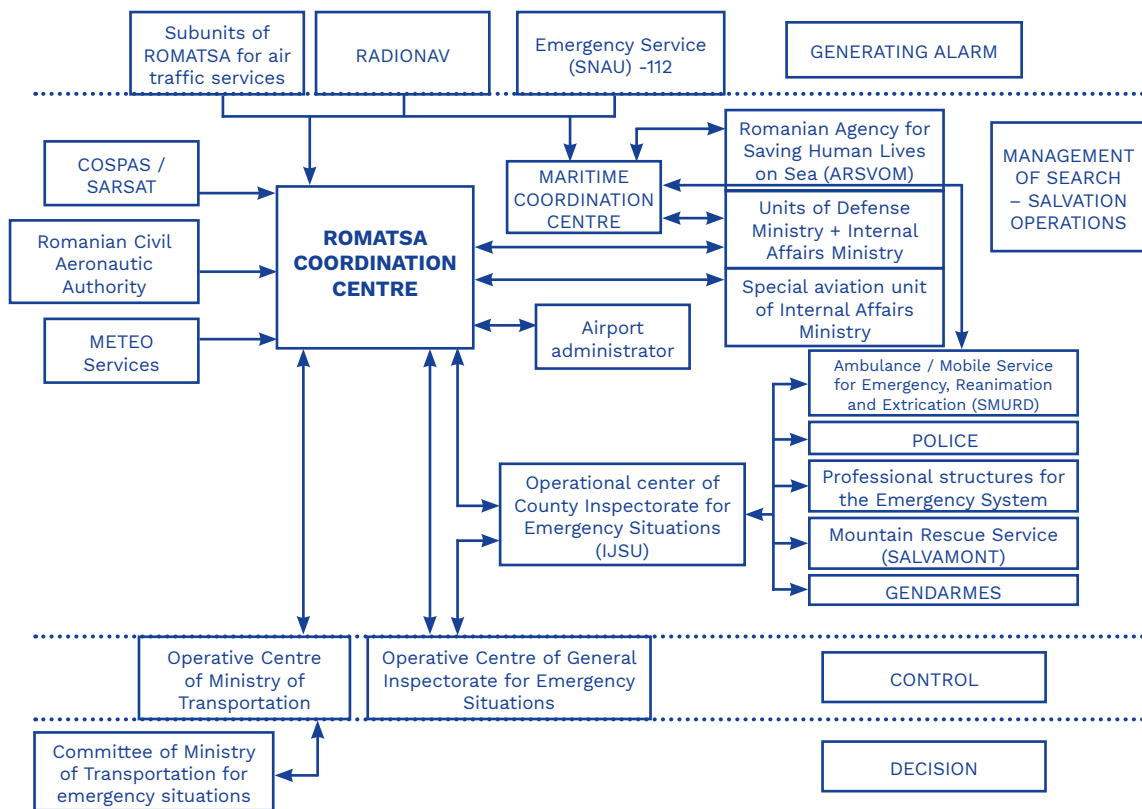
CRISIS RESPONSE STRUCTURE IN ROMANIA

Legislation establishing general and specific provisions on emergency intervention and special intervention (as terrorist attacks) is in place.

Main normative acts in the field are: Law no. 535/2004 of November 25, 2004 on preventing and combating terrorism with important amendments added by the Law No. 58/2019, Emergency Government Ordinance No. 21/2004 of 15 April 2004 on the National Emergency Management System with subsequent amendments and completions, the National

Emergency and Qualified First Aid System -- Law no. 95/2006 on health care reform.

A standard model response to emergencies in Romania, including those put in place in case of a terrorist attack, could not be identified for the purpose of this handbook. However, the Romanian standard emergency response models, specifically for aviation accidents¹ as a form of a public emergency, is presented below. In the absence of a specific emergency response to terrorist victimisation, the assumption is that it would be organised in a similar fashion.



1 As per the Romanian Government Decision no. 741/2008 on *Managing the emergency situations generated by the occurrence of civil aviation accidents*

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 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.

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: THE BOMBING OF GROZĂVEȘTI IN 1985.

On May 26, 1985, two improvised explosive devices were placed under cars parked in front of student dormitories in Bucharest's Grozăvești student complex. The attack was carried out by four followers of the Muslim Brotherhood and was targeted at Syrian

students, who were perceived as enemies of the organisation. Unfortunately, because of the lack of specialist equipment, the attempt to defuse one of the bombs resulted in the death of two officers from the Special Anti-Terrorist Union (USLA).

Further reading:

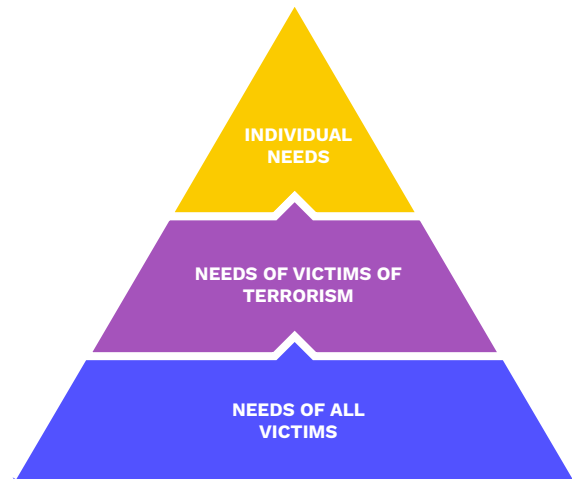


- Europol (2020) TE-SAT Report
- Institute for Economics and Peace (2019) Global terrorism index

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. *Romania has a long tradition of ensuring victims of crime are recognised and respected, the commemoration of victims of mass crimes is worth noting; for example, the memorials commemorating victims of communism – The Sighet Memorial². In the absence of any recent terrorist event, the assumption is that any associated commemoration would be organised in a similar fashion*
2. Support: *According to the provisions in force since 2019, a number of 23 Services for Supporting Victims of Crimes were set up in Romania³. Victims shall be taken care of by social workers, psychologists and legal counsellors and may be referred to other specialized services, if needed (accommodation, medical services, etc.).*
3. Protection: *physical protection, protection from secondary victimisation. In Romania, the protection needs of the victims are subsumed to psychological counselling, counselling on the risks of secondary victimisation, intimidation and retaliation, counselling on the financial aspects of the crime's aftermath, social reinsertion services, emotional support, information and advice*

on the role of victims in criminal trials, and the referral of victims to other available services (social services, medical services, occupational services, educational services etc.). It appears that a systematic screening of individual protection needs is still awaited for victims of crime (including terrorism). The individual assessment of victims (including terrorism) shall be made according to the Methodology for intervention⁴ in force since June 2021 The law provides a definition of vulnerable victims, where victims of terrorism are included.

4. Access to justice: *safe participation in the criminal justice process. In Romania, 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. Romanian law does not provide immediate financial assistance, the general rules regarding compensation schemes and financial assistance applicable to all victims of crimes shall be available for victims of terrorist. However, as far as medical costs are concerned, emergency medical care is free of charge irrespective of the nationality of the victim. Moreover,*

² <https://www.memorialsighet.ro/memorial-en/>

³ <https://dgaspcbt.ro/misiune-si-atributii/>

⁴ Order of the Minister of Labour and Social Protection No.173/2021, the Minister of Home Affairs No.65/2021 and the Minister of Justice No.3.042/C/2021 for the approval of the Methodology of Multidisciplinary and Interinstitutional Assessment and Intervention in the provision of support and protection services for victims of crime.

victims of terrorist attacks are entitled to state financial compensation if the victim is a citizen or a resident of one of the member states of the EU and the crime/terrorist attack was committed in Romania.

Individual needs

Individual victim's 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 ROMANIAN LAW

Romanian law does not contain a general, common, definition of victim of terrorism.

The way in which "victim" is defined is rather broad: Romanian legislation does not differentiate between legal and natural persons, and allows victims to take on the role of injured party and civil party during criminal proceedings, the two not being mutually exclusive. In the meaning of the Criminal Code, the victim can only be a natural person. However, a legal person can be an injured party in the criminal proceedings.

Terrorist offence

A terrorist offence is defined by Law no 535/2004 on preventing and combating terrorism (articles 1-4). These articles were amended in 2019, in light of the provisions of the Counter-terrorism Directive.

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

The Criminal Code (hereinafter, CC) and the Code of Criminal Procedure (hereinafter, CCP) operate with the concept of “injured person”, which is defined as “the person who has suffered physical, material or moral damage through a criminal act”. In contrast, Law No 211/2004, on protection measures for victims of crime, makes use of the term “victim” defining the victim as the natural person who has suffered damage of any kind, including an injury to his physical, mental or emotional integrity or economic harm, directly caused by an offence, as well as family members of a person who has died as a result of a crime and who have suffered damage as a result of the death of that person. In practice, the two terms are synonymous and are used interchangeably in criminal proceedings.

Furthermore, the family members of a victim, who is deceased as a result of a criminal offence (including terrorist attack), are also recognised as victims. They are only granted the right to claim compensation during the criminal trial. While children witnessing violence (including terrorist attacks) are not recognised as victims per se, if they act as witnesses in the trial, the state attorney can grant them the status of vulnerable witnesses.

Victims of terrorism are only mentioned in Romanian Law, in Article 113 of the CCP, under the categories of victims that are presumed to be vulnerable.

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, 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
- Columban, A. 2019, VOciare National Report Romania

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 determine, to a large extent, what the victim considers respectful treatment.

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

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

AN OVERVIEW OF RIGHTS IN ROMANIA

To enable the identification of victims of mass casualty events (such as floods, fires, aviation accidents, or potentially also terrorist attacks) helplines are set up and advertised via all types of media. These helplines also offer victim support, if required. Furthermore, most Romanian consular services abroad¹ maintain a permanent emergency hotline for victims of crime and mass victimisation events.

Additionally, in case of natural calamities, Romania has an alert system available via telecom service companies, that automatically sends an alert text message to all actively enlisted subscribers in a certain geographical area. The same telecom system can be used to identify victims that have previously received alerts.

Romania has a long tradition of commemorating victims of mass crimes; for example, the memorials commemorating victims of communism – The Sighet Memorial². In the absence of any recent terrorist event, the assumption is that any associated commemoration would be organised in a similar fashion.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



¹ <https://bruxelles.mae.ro/node/258>

² <https://www.memorialsighet.ro/memorial-en/>

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
- Columban, A. 2019, VOciare National Report Romania

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 ROMANIA

In Romania, victims have the right to be informed of their rights¹. Specifically, judges, prosecutors, police officers and police agents must inform victims of crime on:

- how to access available support services, according to their needs;
- where to file a criminal complaint;
- their right to legal aid and how to obtain it;
- their rights both as a criminal or civil party during criminal proceedings;

- the conditions to be included in the witness protection programme,
- how financial compensation from the state² can be obtained.

Importantly, the law states that this information must be provided by the judge, prosecutor, police officer or police agent with whom the victim first establishes contact. In addition, to ensure the victim understands the information presented to him/ her, communication can take place either in written or oral form, and in a language they understand³. However, information on services is yet to be made known to judiciary representatives so that they can pass the information to the victims, and the general public.

Since the transposition of the Victims' Directive there have been some attempts made, and a few tools developed, to make the language of communication and information simple and clear. Information pertaining to victims' rights, the course of the proceedings, or risks and ways of mitigating them, are presented to victims in written form, summarising various articles of the CCP.

The victim's right to receive information about their case is granted⁴ on several counts, including the right to be notified if the offender is sentenced, is released or escapes, as well as which state authority to contact to receive information about the stages of the proceedings.

In Romania, there are judicial authority obligations⁵ to inform the victim of the place and time of the trial, the nature of the accusations against the offender, the final court decision, and the decision not to prosecute. It is also clearly

¹ Article 4 of the Directive is transposed into national legislation, as both Law no. 211/2004 on measures for the protection of victims of crime and the CCP

² Law no 211/2004

³ https://victim-support.eu/wp-content/files_mf/1564676764VOCIARE_National_Report_Romania_inter-active.pdf

⁴ Law no. 211/2004

⁵ CCP

stated⁶ that the court decision in its entirety and, at an earlier stage, its summary are to be communicated to the victim, to offer them the opportunity to appeal the decision, if they wish. If the case is closed due to insufficient evidence or for any other legal reason, the authorities are obliged to notify the victim of the decision. Similarly, if the prosecutor waives the prosecution – for crimes for which the law stipulates a criminal fine or a jail term of at most 7 years, and only if there is no public interest to pursue investigation – they are obliged to inform the victim of the decision. Victims may also be notified, at their first hearing, whether the offender, who received a custodial sentence or a penalty involving deprivation of liberty, will be released.

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.

6 CCP

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 Psycho-trauma Centre) has the ability to set up a

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

Further reading:



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

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 ROMANIA

Romanian legislation grants all victims of crime the right to access support services, such as free social assistance, psychological counselling, legal aid, shelters, and other types of social services taking into consideration the specific needs of each victim.. These services have yet to be further developed and made easily accessible to victims¹.

Presently, there are a number of state institutions and non-governmental organisations that provide

specialised support services to victims of various crimes, most notably to child victims of physical and sexual violence, female victims of domestic violence, and victims of human trafficking. There are no support services especially dedicated to victims of terrorism. Support services to victims of terrorism are included in the support services for victims of crimes within the structure of General Department of Social Assistance and Child Protection, according to Emergency Government Ordinance no. 24/2019. These existing 23 public services for victims of crime are mostly a located in bigger cities, at county level. (Alba, Arges, Bacau, Bihor, Braila, Buzau, Caras-Severin, Constanta, Covasna, Dolj, Galati, Hunedoara, Ialomita, Iasi, Mures, Olt, Salaj, Satu-Mare, Suceava, Vrancea, Bucuresti District 1, District 3, District 5).

The access to psychological counselling and legal aid offered by the state is dependent on the victim filing a criminal complaint or on the existence of a criminal investigation ex officio. For victims of terrorism, the criminal investigations would always be ex officio. Nevertheless, the Services for Supporting Victims of Crime, within General Directions for Social Welfare and Child Protection at county and local level provide victims of crime with support services (shelter, psychological counselling, medical, social assistance, legal counselling etc.) even in the absence of a criminal complaint. Furthermore, non-governmental organisations also offer support services to victims of crime, either independently or in cooperation with public authorities, and may receive funding for their activities. Support and protection services provided to both victims and their family members may also include psychological counselling, counselling on the risks of secondary and repeated victimization or intimidation and revenge.

Support and protection services are provided at the request of the victim, are free of charge and are not conditioned by the active procedural quality of the victim.

¹ https://victim-support.eu/wp-content/files_mf/1564676764VOCIARE_National_Report_Romania_inter-active.pdf

The provision of any social service, including psychological counselling, depends on the acceptance of the beneficiary and the measures established by the individualized intervention plan, based on the identification of the victim's needs. The protection and assistance measures are provided to victims as long as it is necessary from the moment the victim was identified following an individual assessment. The duration of support and protection services that the victim can benefit from can be extended, when necessary. Psychological counselling is

available if the crime occurred on the territory of Romania or, if it occurred elsewhere, to both Romanian and foreign citizens legally residing in Romania.

Judicial authority representatives should refer victims to support institutions or organisations. However to enact an effective referral, information about the services must be provided to the judiciary representatives and the general public², currently this is not the case.

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.

² https://victim-support.eu/wp-content/files_mf/1564676764VOCIARE_National_Report_Romania_interactive.pdf

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

Currently, there is no central point within the Romanian government for victims of terrorism.

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 THE RIGHT TO ACCESS TO JUSTICE IN ROMANIA

In Romania, victims can play two roles in criminal proceedings: the injured party and the civil party. In the case of terrorist attacks, the criminal investigation starts *ex officio*, groups of victims may be represented by one party/lawyer unless they explicitly decline representation or participation in the criminal investigation/trial. In this latter case, the prosecution/court could call the victim to the stand as a witness in the investigation/ trial.

The family members of a victim, who died as a result of a criminal offence (including terrorist attack), are also recognised as victims; however, persons who are in a same-sex intimate relationship are excluded from the legal definition of family member, as the CP does not specifically recognize same-sex partners. Romania offers no legal status to same-sex couples, as it does not recognize same-sex marriages and civil partnerships, so same sex partners of victims of crime are excluded from legal definitions. Thus, this category of victim cannot benefit from any of the rights granted by law to victims of crime.

In Romania, all victims of crime, including terrorism, have the right to file complaints related to prejudice caused by a crime, and to become civil parties in the criminal trial. The criminal complaint may be submitted personally or through an authorised representative (through a power of attorney, by a spouse, child, parent or other legal representative) – in written form, orally, or electronically, the latter being accepted as valid only if it is certified by an electronic signature. In the case of an oral complaint, authorities are obliged to have an official written record of it. For crimes that occurred in other EU Member States, where the victim is a Romanian citizen, a foreign citizen or a stateless person, the judicial authorities are obliged to record and forward the complaint to the equivalent authorities in the state where the crime was committed.

If the victims do not speak Romanian, they are granted the right to file the complaint in a language they understand and to request a translated copy of the subpoena, if the victim is called to participate in court proceedings. In addition, the victim will receive a written confirmation of the complaint, its registration number and information related to the crime, and, if the victim does not understand or speak Romanian, they can request a translation of the complaint-related information they filed, in the language of their choice¹.

When the crime is being prosecuted *ex officio*, such as would be in the case of terrorism, a victim can decide not to assume the role of an injured party in the proceedings. They might still be required, however, to provide their witness testimony, if deemed necessary.

¹ Law no. 98/2018 amending Law no. 211/2004 on protection measures for victims of crime, whose purpose is to transpose the Victims' Directive, introduces two new articles related to the victim's right when making a complaint.

To fulfil the right to be heard, interpretation and translation services during criminal proceedings² are provided for all victims of crime in Romania (as well as for other parties to the criminal proceedings). An interpreter may be provided, free of charge, if they do not speak or understand Romanian or if they cannot express themselves in Romanian. This right applies at all stages of the criminal proceedings, including hearings, communication with the attorney in preparation for the case, and consultation of their file. In urgent matters, interpretation can be carried out by technological means. Additionally, the victim can request a translation of the decision to close the case or to waive prosecution, as well as a translation of the criminal complaint they filed, and the final court sentence. The right to interpretation is also granted to victims, of crimes committed in an EU Member State different from the one where they legally reside, who want to request financial compensation from the state.

The law³ grants all victims of crime (including terrorism) the right to be heard in court, as well as to introduce evidence.

Central to the role of the victim in criminal proceedings, the right to legal aid – particularly legal aid that is free of charge – is fundamental to ensuring the victim's access to justice. In Romania, victims of crime have the right to free legal aid and legal representation throughout the criminal proceedings. Free legal aid is available under certain conditions, including whether the victim has filed a complaint or not, and what their property status is. In addition, family members (spouse, parent), the legal guardian or the caregiver for a murder victim are also entitled to free legal aid and representation (with similar conditions). Importantly, free legal aid is granted to all victims of crime that occurred in Romania or, if the crime occurred abroad, to victims who are Romanian citizens or legally residing in the country, and if the criminal trial is taking place in Romania.

In the majority of cases, the reimbursement of expenses occurs at the end of a criminal trial, after the final sentence has been passed, which in practice means that the victim is obliged to underwrite the expenses, possibly for several years. In addition, the withdrawal of a criminal complaint and the acquittal of the offender come with the obligation for the victim to cover the judicial expenses.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



² The right to interpretation and translation during criminal proceedings is guaranteed by Romanian legislation, appearing in several articles of the CCP and the Romanian Constitution

³ Articles 111 - 124 of the CCP

EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

Large scale attacks

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

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

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

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

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

Public inquiries

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

78 attorneys nation-wide and has helped over 160 people defend their rights. The project's contribution, to enable vulnerable groups in Romania access justice, was acknowledged with The European Award for Local Pro Bono Impact at The European Pro Bono Forum in Amsterdam in 2016. In addition, several NGOs in Romania, who provide support to victims of crime, also offer free legal assistance and representation in court.

Right to legal aid

A promising practice in Romania, whose aim is to facilitate the access to justice of vulnerable groups including victims of crime, is The Pro Bono Network for Human Rights, a clearinghouse run by the NGO ACTEDO⁴. Through the project, the largest pro bono clearinghouse in the country connects individuals that are part of vulnerable groups to pro bono attorneys. Since its launch in December 2014, The Pro Bono Network for Human Rights has grown to include

Right to be heard

Another good practice example from Romania, is the effective application of the right to be heard: when victims do not speak, or understand, Romanian, the judicial authorities provide a certified interpreter to facilitate communication. These interpreters either work with police stations or prosecutor's offices, or are contacted, whenever needed by the judicial body, from the official list of certified interpreters and translators published on the website of the Ministry of Justice. There are currently 37,670 certified translators and

⁴ <https://probono.actedo.org/en/>

interpreters registered with the Ministry of Justice, covering widely spoken languages such as English, French, Spanish or Arabic as well as languages that are infrequently spoken in Romania, such as Bengali, Norwegian or Urdu.

If there is a scarcity of interpreters and translators of unusual languages, victims are usually provided with interpreters of languages that they do speak, even if not as a mother tongue – in most cases, English or French. However, if the victim only speaks their mother tongue and no interpreters of the language are to be found, authorities usually contact the Embassy of the victim's country of citizenship and request support. Alternatively, in rare cases, they may contact universities or cultural centres to aid with communication, but interpretation in court is limited to certified translators, who are registered with the Ministry of Justice.

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
- Columban, A. 2019, VOIARE National Report Romania

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 ROMANIA

In Romania, the protection needs of the victims are subsumed¹ to psychological counselling, counselling on the risks of secondary victimisation, intimidation and retaliation, counselling on financial issues in the aftermath of a crime, social reinsertion services, emotional support, information and advice on the role of victims in criminal trials and victims' referral to other available services (Social services, medical services, occupational services, educational services etc.). It appears that a systematic screening of individual protection needs is still awaited for victims of crime (including terrorism). Progress was, however, registered in this regard with the adoption in June 2021

of a methodology² for the multidisciplinary assessment and intervention for victims of crime.

The law provides a definition of vulnerable victims³.

As of June 1st, 2018, all newly built courts are to be equipped with separate waiting rooms for victims and offenders, while there is an ongoing commitment to make similar arrangements in existing court buildings.

The right to protection of victims during criminal investigations is guaranteed in different ways, including the right of the victim to choose not to take part in the criminal proceedings to avoid further victimisation, even though they can still be heard as a witness, if necessary. Furthermore, hearings of victims should only be conducted if it is strictly necessary for the course of the criminal proceedings⁴.

Victims, when heard as witnesses, may be provided with measures aimed at protecting their identity, such as: being given an alias; taking their statement using audio-video equipment, and distorting their voice and face; omitting personal data and home address from their statements. For these measures to be effective, access by the media and general public to victims' information must be limited.

² Order of the Minister of Labour and Social Protection No.173/2021, the Minister of Home Affairs No.65/2021 and the Minister of Justice No.3.042/C/2021 for the approval of the Methodology of Multidisciplinary and Interinstitutional Assessment and Intervention in the provision of support and protection services for victims of crime.

³ Article 113 of the Romanian Criminal Procedure Code provides for the following categories of victims which are presumed to be vulnerable, without explaining what this entails: children, victims that are dependent on the perpetrator, victims of terrorism and organised crime, victims of human trafficking, sexual violence and exploitation, victims of violence which occurred within a close relationship, victims of hate crimes, discrimination and prejudice, persons with disabilities and victims who have suffered great prejudice as a result of the crime

⁴ Article 113 of the CCP

¹ Chapter III, Law No. 211/2004

Another protection measure related to the victims' right to privacy is that criminal proceedings are generally not open to the public. In addition, judges may forbid the publication of texts, drawings or images that could lead to the identification of victims, if they believe there is a risk to the victim's privacy or dignity.

An individual assessment of the victim's needs is not systematically conducted for all victims. An effort is being made by Child Protection Services to provide assessments for child victims, however, this is the only group of victims in Romania who are regularly offered this type of service.

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.

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

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

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

Victims and the media/ right to privacy

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

For example, in the aftermath of an attack or disaster, broadcast and print media show images of the scene of the attack and, potentially, of victims and witnesses. These images will likely

be shown again in light of commemorations and remembrance activities of this attack or disaster, which is retraumatising to victims and victims' families. It is advised that victim support organisations are sensitised about the recurrence of distressing images in order that this can be dealt with in a victim-sensitive manner.

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

Further reading:



- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- UNESCO (2017) Terrorism and the Media: A handbook for journalists
- BBC: Belgians tweet cat pictures during #BrusselsLockdown
- Columban, A. 2019, VOIARE National Report Romania

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 ROMANIA

To avoid secondary victimisation, Romanian legislation grants certain categories of victims of crime the right to be interviewed by a person of the same sex, on demand. Victims of terrorism are not specifically mentioned as being able to benefit from this right, however, the law mentions "other cases where it is deemed necessary by the judicial authority": the judicial authorities are required to inform victims of this right.

The courts may rule to have a closed session – where the only people who are present are the victim, the offender, their attorneys, the judge and the clerk – if a public session could harm the "safety, the dignity or the private life" of the victim or the witness. Any of the parties, or the prosecutor, may request a closed session. The court may also prohibit the publication or dissemination of audio-visual materials, texts, drawings, photographs or images that may lead to the identification of the victims or the witnesses.

Child victims are always interviewed by professionals, who are specifically trained for that purpose, and recording of the hearing by audio or audio-video technical means is mandatory in all cases for minors so as to avoid revictimization.

The victims of terrorism are presumed, according to the Criminal Procedure Code, vulnerable victims. As a consequence, rehearing of the victim shall be carried out only if this is strictly necessary for the conduct of the criminal proceedings. Also, hearing of a witness without

them being physically present, through audio-video transmission devices, with their voice and image distorted, when the other measures are not sufficient, is also applicable in the case of vulnerable victims.

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?
- Columban, A. 2019, VOciare National Report Romania

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:

- 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.

Compensation can be sought for the equivalent of up to 10 gross minimum wages for the year in which compensation has been requested.

However, there is no data available regarding the amount spent by the state on compensation for victims or the use of private insurance funds for victims of crimes/victims of terrorism.

AN OVERVIEW OF RIGHTS IN RELATION TO ACCESS TO COMPENSATION IN ROMANIA

Victims of crime in Romania have the right to seek compensation¹ from the offender, in both criminal proceedings and in civil lawsuits. The Police, the Prosecutor and other judicial authorities are under the obligation to inform victims of this right.

With regard to other forms of reparation, the victim's right to seek compensation from the offender does not interfere with their right to claim compensation from the state², or from a private insurance fund. The state – through the Ministry of Justice and the Commission for the allocation of financial compensation to victims of crime (entity within the Bucharest Tribunal) – may grant compensation to cover medical or burial expenses and material prejudice suffered by the victims, as well as gains that they are deprived of as a result of the crime.

¹ Articles 19 to 27 CCP

² Articles 21 to 34 of Law no. 211/2004 regarding victims of crime

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

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

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

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

Further reading:



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

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 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 ROMANIA

Romania grants victims of a criminal offence, committed in EU Member States, the right to make a complaint to the Romanian competent authorities as long as they are resident in Romania. According to Article 289 of the CCP, Romanian citizens, foreign citizens and stateless persons residing in Romania may file a criminal complaint for an offence, which occurred on the territory of another EU Member State, with the Romanian authorities, who are obliged to communicate the complaint to the competent authorities where the crime occurred. In

addition, victims have the right to file the complaint in a language they understand and to request a translation of the subpoena if they are called to attend the trial or testify in court.

With regard to appropriate measures taken in Romania to minimise the difficulties faced when the victim is a resident of a Member State other than that where the criminal offence was committed, videoconferencing and telephone conference calls are both possible in Romania. Of the 232 courts in Romania (courts of first instances, tribunals and courts of appeal), around 145 are equipped with videoconferencing facilities, all which allow encryption for data protection. Interviews with professionals¹ have also shown that videoconferencing is a relatively common practice when hearing victims that reside in another EU Member State.

Furthermore, as shown under the victim support services section above, psychological counselling is available if the crime occurred within Romania or, if it occurred elsewhere, to both Romanian and foreign citizens legally residing in Romania.

Compensation schemes

Romanian legislation extensively regulates the right of victims residing in other Member States to request compensation from the state. The national authority appointed to coordinate the allocation of compensations is the Ministry of Justice. Apart from Romanian citizens residing in Romania, compensation from the state may be awarded, on demand, to foreign citizens or stateless persons who are legally residing in Romania, to EU citizens who were in Romania

¹ https://victim-support.eu/wp-content/files_mf/1564676764VOCIARE_National_Report_Romania_interactive.pdf

at the time when the crime occurred or to a foreign citizen or a stateless person residing in another EU Member State, who was legally in Romania when the crime took place.

Participation in criminal proceedings

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

Translation of official documents

In Romania, the translation of official court documents is available to victims of crime and, therefore, for victims of terrorism.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

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.

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
- Columban, A. 2019, VOciare National Report Romania

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

To ensure the protection of all child victims of crime, including terrorism, in Romania it is mandatory to record the child's hearing using audio or audio-visual technology, unless there is a compelling reason not to do so. In that case, the child's statement must include the reasons why an audio-visual recording was not possible.

In addition, judicial authorities must limit the number of child victim's interviews to one, unless there is a clear need for additional hearings. Child victims may request to be accompanied by their legal guardian, or other person of their choice, unless the court believes this person may influence the child's statement or disrupt the hearing.

As far as the premises of the hearing are concerned, child victims are usually interviewed in a separate room, most often the council room. In Romania there are eight specifically designed interview rooms for children, in Cluj-Napoca, Craiova, Alba, Bihor, Botoşani, Bucureşti, Olt and Suceava. These rooms are equipped with a one-way mirror and include child-friendly props, making their use a promising practice in reducing secondary victimisation of children.

All courts in Romania are endowed with dedicated sections for criminal and civil cases concerning minors and family matters, which also deal with crimes committed by children or against children. Similar specialised sections exist within Prosecutor's Offices. The law provides for all negative psychological effects of interviews to be avoided as much as possible and, if the court deems it necessary, the child is heard in the presence of and with the help of a trained clinical psychologist, whose role is to adapt the judicial language to the child's age and maturity and to make sure the child's comfort and stability are prioritised. Nevertheless, the psychologists brought in to assist the children are those who normally work at the court and they are not necessarily trained in victimology or child psychology, but in organizational psychology¹. Usually, the psychologists are from General Departments for Social Assistance and Child Protection.

Also with regard to children, the law stipulates the protection of their public image and their intimate, and private, family life. Specific

measures exist to protect their identity in audio-visual materials.

With a view to ensuring the individual assessment of victim's needs, the law provides for the Child Protection Services to carry out a risk assessment and, afterwards, with the help of a multidisciplinary team, a detailed needs assessment for the child. For all victims of crime, including victims of terrorism, and especially children that are presumed to be vulnerable², special protection measures may be taken, if the court deems necessary: protection of their identity, police protection, being heard in the company of a psychologist, etc.

Children as direct victims

As stated above, in Romania, 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.

Interaction between TV broadcasting or written media and children

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

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

¹ https://victim-support.eu/wp-content/files_mf/1564676764VOCIARE_National_Report_Romania_interactive.pdf

² CCP

Interaction between caregivers and children

Good practice example – Croatia: In criminal proceedings involving children, all information and announcements need to be confirmed by the child, through their explicit statement that they understood the meaning of the information. In this process, the participation of a professional supporter is fundamental, since they are tasked with explaining to the child, in an appropriate manner, the meanings of different procedural steps and statements.

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?
- Columban, A. 2019, VOIARE National Report Romania

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 ROMANIA

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

According to national legislation, the main forms of international judiciary cooperation in criminal matters are: extradition, extradition based on a European Arrest Warrant, the transfer of criminal procedures as well as of convicted persons, the recognition and application of judicial decisions, and – the only one referencing victims – the allocation of legal aid.

In Romania, the main state institutions responsible for coordinating the national response to a terrorist attack is the Romanian Secret Service (Serviciul Roman de Informatii - SRI¹). When a terrorist attack occurs in another EU Member State, the institution coordinating the national response for Romanian citizens, who are victims of the terrorist attack occurring on the territory of another EU Member State, is the Romanian External Secret Service (Serviciul Roman de Informatii Externe – SIE²).

General response for crisis situations, natural disasters aviation accidents and other mass events is generally coordinated by the Department for Emergency Situations within the Ministry of Internal Affairs.

www.dsu.mai.gov.ro

Other institutions with responsibilities in organising support for victims of crime and victims of terrorism are:

1 <https://www.sri.ro>

2 <https://www.sie.ro/>

- the General Directions for Social Welfare and Child Protection³, coordinated methodological by the Ministry of Labour and Social Protection (<http://mmuncii.ro/j33/index.php/ro/>) and by the National Authority for the Rights of Persons with Disabilities, Children and Adoptions (<http://andpdca.gov.ro/w/>)
- private providers of social services

Any cooperation, and referral regulations, with regard to victims of terrorism between these separate institutions is not made public and can therefore not be presented in this section.

As for Romania's cooperation and coordination of services both within and among Member States, Romania is not represented state authority level in either of the EU structures created to coordinate Member States' response for victims of crimes⁴, the ENVR, and for victims of terrorism, the EUCVT⁵, and has not yet designated a National Contact Point for Victims of Terrorism.

As far as national level immediate, specialised, coordinated support is concerned, apart from the general rules applicable for all victims of crimes as mentioned before (support and protection provided by the Services for Supporting Victims of Crimes), a Red Intervention Plan⁶ is engaged. The Plan provides a coordinated response of all structures with intervention responsibilities in time-limited, but quick moving, multi-victim accidents and/or disasters.

Among local authority responsibilities are the following: ensuring communication with the families of the victims and updating them about the missing; providing psychological support, in cooperation with public health departments, by psychologists – including volunteers – from the county branches of the Romanian College of Psychologists⁷, to assist victims, their families and first responder staff, as the case may be.

Training

As a complementary measure to ensure that judicial authorities carry out adequate needs' assessments of victims of crime, the state should provide comprehensive training programmes to all professionals who come in contact with victims. These programmes should have an interdisciplinary approach and should include elements of victim and child psychology, sociology, and victimology. Moreover, these training programmes should bring together professionals from different sectors, such as police officers, magistrates, attorneys, as well as psychologists and social workers, to ensure a multifaceted approach to victims.

EMERGENCY RESPONSE PHASE – NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

Within the emergency response activities, for events such as terrorist attacks, local public administration authorities have the obligation to ensure support for victims of crime, at the request of the authority coordinating the emergency response. Public authorities and institutions are obliged to collaborate by exchanging personal data, to identify victims of crime, in emergency response activities.

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

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

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

³ <http://dgaspcromania.ro/>

⁴ <https://envr.eu/>

⁵ https://ec.europa.eu/info/policies/justice-and-fundamental-rights/criminal-justice/protecting-victims-rights/eu-centre-expertise-victims-terrorism_en

⁶ https://www.igsu.ro/Resources/biblioteca/Instructiuni/OIG4303/OIG_4303_IG_28.01.2020.pdf

⁷ https://alegericpr.ro/?option=com_content&task=view&id=54&Itemid=29

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 ROMANIA

As stated in the section above, in Romania there is no specific response for victims of terrorism, but support services dedicated to victims of crime are available in the case of a terrorist attack. These services are presented under the section detailing the right to support services.

THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

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

Victims' associations

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

Certified psychotrauma experts

Most EU Member States have active National 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](#)

