



# HANDBOOK

## ON VICTIMS OF TERRORISM

### SPAIN

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 Lenval.

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# CONTENT

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## INTRODUCTION

## CRISIS RESPONSE STRUCTURE IN SPAIN

## TERRORIST ATTACKS

## VICTIMS' NEEDS

### 1. THE RIGHTS OF VICTIMS OF TERRORISM

1.1 Victim of terrorism – definition under national law and impact

1.2 Victims' rights to respect and recognition

1.3 Victims' rights to access information

1.4 Victims' rights to access support services

1.5 Victims' rights to access justice – procedural rights

1.6 Victims' rights to protection: physical and privacy

1.7 Victims' rights to protection: secondary victimisation

1.8 Victims' rights in relation to access to compensation

### 2. CONSIDERING PARTICULAR GROUPS OF VICTIMS

2.1 Cross-border victims

2.2 Children

### 3. ORGANISING SUPPORT

3.1 Preparation and organisation of the support for victims of terrorist attacks

3.2 Organisation of support for victims of terrorism

### 4. EUCVT

# INTRODUCTION

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

The Victims' Rights Directive, together with provisions in the Counter-Terrorism Directive (Title V) and the Directive on Compensation, provide a general framework of rights for victims of terrorism. The Counter-Terrorism Directive goes beyond the Victims' Rights Directive to establish services supporting the specific needs of victims of terrorism. EU Member States are bound by these instruments, have the obligation to transpose them into national legislation and to ensure that they are correctly applied in practice. In doing so, each Member State must evaluate how to implement these provisions to

ensure measures are appropriate to the specific situation and to national circumstances.

Spain is among those European countries with a history of terrorist victimisation. Since the late 19th century, Spain has been affected by both domestic (left and right-wing extremism, parapolice, and radical independent nationalism) as well as foreign (anarchist, Jihadist, Al-Qaida, Islamic) terrorism. Recognised victims of terrorism in Spain include 1.450 deceased persons and more than 5.000 others, who have suffered physical or psychological injuries. 78 of those killed and 523 of the wounded were foreign victims of terrorist attacks in Spain, while 287 Spanish citizens have suffered attacks abroad, including participants in peacekeeping missions.

Driven by the need to adequately recognise terrorist victimisation, Spain has issued several policy and legislative developments in this field. Law 29/2011 of 22 September 2011, on the recognition and comprehensive protection of victims of terrorism, and the regulation implementing it, adopted by Royal Decree 671/2013, are the legal basis of the Spanish system for protecting victims of terrorism.

## 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
- **On history of terrorism in Spain:**
  - Memorial Centre of Victims of Terrorism (Unidades Didácticas del Proyecto «Memoria y Prevención del Terrorismo»)

# CRISIS RESPONSE STRUCTURE IN SPAIN

**In Spain, terrorism is a matter of exclusive state competence. The immediate response to an emergency situation derived from a terrorist attack, involves the National Security System and the National Civil Protection System. Within the framework of civil protection, and unless a national emergency is declared, the Autonomous Communities assume the operational intervention, with oversight by the State Security Forces and the State Coordination Centre. Some Autonomous Communities have specific plans for terrorist attacks, while others rely on general emergency plans applicable to other situations (e.g. earthquake, fire etc.).**

In all cases, the operating scheme is similar: the Director of the plan is supported by an Advisory Committee, which helps prepare and deliver the response, and an Information Office, which coordinates public communication. The Director may activate a Steering Committee that assumes the direction and coordination of the emergency if required territorial resources are unavailable. An Operational Coordination Centre (Centro de Coordinación de Operaciones - CECOP) and at least one Forward Command Post are installed at the scene. At the same time, the following action groups are activated:

1. Intervention Group (firefighters);
2. Security Group (State Security Forces, regional and local police);
3. Health Group (Medical Emergency Services, Health Services, the Directorate General for Support to Victims of Terrorism (Dirección General de Apoyo a Víctimas del Terrorismo - DGAVT) emergency groups of professional associations of psychologists and social workers);
4. Logistic Support Group.

Any CECOP may function, where appropriate, as an Integrated Operational Coordination Centre (Centro de Coordinación de Operaciones Integrado, CECOPI), which will include the person responsible for the different Administrations involved. In the event of a national emergency, the Military Emergencies Unit (Unidad Militar de Emergencias - UME) will assume the operational control, under the direction of the Minister of the Interior, who will lead the Steering Committee (an inter-administrative management body, uniting representatives of the General State Administration and of the affected Autonomous Communities).

## Further reading:



- ⊕ [General plan of Emergency of the Civil Protection \(Plan General Estatal de emergencias de Protección civil\)](#)
- ⊕ [Guide for the operative state organization of immediate response to emergencies \(Guía para la organización operativa estatal para la respuesta inmediata ante emergencias de Protección Civil\)](#)

# 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. The Madrid attacks in March 2004 (known in Spain and internationally as the "11M" attack) resulted in 193 deaths and nearly 2.000 people were injured. In the 2019 attack in Halle (Germany), 2 people were killed and 2 were seriously injured. These figures only confirm the numbers of dead and injured. Those affected will be much larger. The greater the number of victims, the more resources are required during both the emergency response phase (e.g. hospital beds) and in the longer term (e.g. in criminal proceedings, professional mental health services, information and support providers). The larger an attack, the greater the media attention will be on the victims, their families and society.

## Location

In the recent past, attacks have tended to

concentrate on a single localised area. However, in the 2004 Madrid attacks, 10 bombs exploded in a coordinated manner in several locations, later another 3 unexploded devices were found. This strategy had previously been used by ETA (as e.g. in the attacks of 1991, when on 17 October at 8 am three explosive devices attached to three cars in different locations exploded simultaneously). Also, during the Paris attacks in November 2015, six separate events took place in various locations within a short period of time. The multiple sites, in both enclosed and open venues, and the number of victims created a chaotic environment: identification of victims and securing individual locations required complex management of the 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; the attacks in Barcelona, on 17 August 2017, were followed by an attack in Cambrils, about 100 kilometres to the south, the next day. In Asia and the Middle East, follow-up attacks have been timed to hit first responders and helpers.

## Weapons

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

The 2017 attacks in Barcelona and Cambrils were perpetrated in a similar manner as a van and a car, respectively, were deliberately driven into the crowds.

## Target groups and organisation

Various ideologies motivate terrorists to carry out attacks: e.g. antisemitism (Halle, Germany in 2019), jihadism (London, UK in 2019), right-wing extremism (Hanau, Germany in 2020), etc. Europol's annual Terrorism Situation and Trend (TE-SAT) Report lists jihadist, ethno-nationalist and separatist, left-wing and anarchist, right-wing and single-issue terrorist groups, in addition to a new grouping of attacks committed by informal organisations or lone wolves. In Spain, terrorist organisations with varying ideologies have been behind attacks in the country: radical nationalist groups, such as ETA, Terra Lure, Ejército Guerrillero do Povo Galego, MPAIAC have orchestrated a large number of terrorist attacks (ETA was behind e.g. the Hipercor bombing in 1987 and the Terminal 4-Barajas Airport attack in

2006); jihadists orchestrated e.g. the attack at the Restaurante "El Descanso" in Madrid in 1985, the 2004 Madrid attacks as well as the 2017 Barcelona attack; left-wing extremists (GRAPO) committed e.g. the attack at the California cafeteria in 1979; in 1977, right-wing extremists (Batallón Vasco Español, Triple A, GAE) were behind the "Matanza de Atocha" and the attack against the magazine "El Pápus". Attacks have also been committed by the "Antiterrorist Groups of Liberation (GAL)", an illicit anti-terrorism, parapolice group created with the objective to fight against ETA.

## Cyberterrorism

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

### CASE STUDY: 2004 MADRID ATTACKS

#### Scale

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

#### Location

Several bombs were placed on 4 different

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

#### Timing

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

#### Target groups and organisation

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

### Further reading:



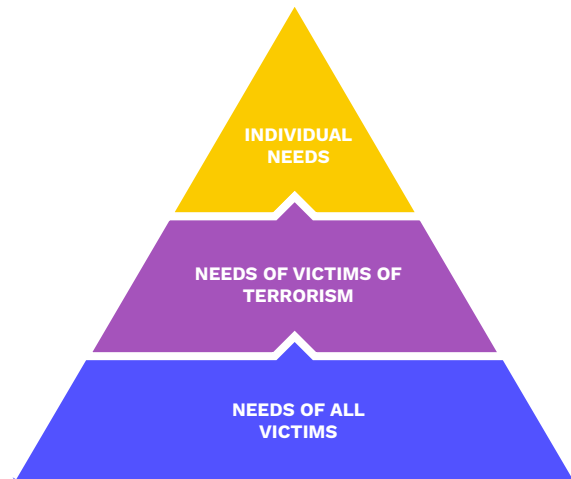
- Europol (2020) TE-SAT Report
- Institute for Economics and Peace (2019) Global terrorism index
- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- On history of terrorism in Spain: Memorial Centre of Victims of Terrorism (Unidades Didácticas del Proyecto «Memoria y Prevención del Terrorismo»)



# VICTIMS' NEEDS

As specified in Recital 27<sup>1</sup> 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.

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

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



## Needs of victims of terrorism

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

1. Recognition and respect: as victim of terrorism. *In Spain, Law 29/11 on the Recognition and Comprehensive Protection of Victims of Terrorism mandated the establishment of the Victims of Terrorism Memorial Centre. The Royal Order of Civil Recognition of Victims of Terrorism was created with the intention of honouring the deceased, injured or kidnapped in terrorist acts in Spain, relatives up to the second degree of consanguinity, and witnesses.*
2. Support: medical care, specialised psychological-trauma care, information, practical assistance, legal assistance, communication (media) support, peer support, etc. *In Spain, the specialised Governmental body Directorate General for Support to Victims of Terrorism provides victims of terrorism with the support of personnel specially trained in psycho-social, medical and financial processes. In addition, a number of associations employ specialists in psycho-social care,*

*who provide support to victims of terrorism.*

3. Protection: physical protection, protection from secondary victimisation. *In Spain, the principle of minimum damage (“*minima lesividad*”) aims at protecting the dignity and the personal security of victims during their participation in criminal proceedings.*
4. Access to justice: safe participation in the criminal justice process. *In Spain, the Office for Information and Support to Victims of Terrorism, at the National High Court, provides general legal orientation to victims of terrorism and their families. In addition to the traditional method of face-to-face assistance, victims of terrorism can obtain digital information on the status of their judicial proceedings through the “Electronic Office”, a computer program made available by the Office for Information and Support to Victims of Terrorism.*
5. Compensation and restoration: financial compensation and help with the financial impact of a terrorist attack. Restoration includes overall recovery and restorative justice processes. *In Spain, Law 29/2011 introduces a system that unifies the previous regulations and grants compensation rights to victims of terrorism beyond what is foreseen for victims of other violent crimes.*

## Individual needs

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

### Further reading:



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

# 1. THE RIGHTS OF VICTIMS OF TERRORISM

## 1.1 VICTIM OF TERRORISM – DEFINITION UNDER NATIONAL LAW AND IMPACT

### DEFINITION UNDER EU LAW Victim of Terrorism

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

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

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

### Terrorist offence

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

### DEFINITION UNDER SPANISH LAW Victim of Terrorism

Article 2 of Law 4/2015, on the Statute of the Victim of Crime, provides a general definition of

victim. The concept of "direct victim" includes any natural person "who has suffered an injury or damage, especially physical or mental injuries, emotional damage or economic damage, directly caused by a criminal offense". The Law also introduced the definition of "indirect victim", i.e. those who suffered damages as a result of the victimisation of an intimate person, such as the psychological, emotional or economic impact caused by the homicide or disappearance of a person, their children, ascendants, spouse or other close person. In addition to these general provisions, Law 29/2011 on the recognition and comprehensive protection of victims of terrorism and the regulation implementing it, adopted by Royal Decree 671/2013, are the legal basis of the Spanish system specifically protecting victims of terrorism. A victim of terrorism is a person, who suffers from a criminal action aimed at altering peace or constitutional order. Protection is also provided to persons, who are subject to threats and intimidation from terrorist organisations.

### Terrorist offence

The Counter-Terrorism Directive was transposed into the Spanish legal framework through Organic Law 1/2019 of 20 February (LO 1/2019) amending the Spanish Criminal Code (CP). The crimes of terrorism are regulated under Chapter VII of Title XXII of Book II of the CP as crimes against public order. Whereas Book I CP provides general rules regarding the concept of crime (Title I), the establishment of criminal liability (Title II) and the consequences of committing a criminal offence (Title III), Book II provides the different acts and/or conducts that constitute a criminal offence and their corresponding punishment.

## **NATIONAL CASE STUDY: SPECIFIC ASPECTS OF THE DEFINITION OF VICTIM OF TERRORISM IN SPANISH LAW**

To be considered a direct victim of terrorism, Law 29/2011 requires the person to be present at the location of the attack, at the time of its execution. Therefore, the first responders, arriving at the scene of the attack once it has occurred, are not considered victims. Neither are those who were not at the scene of the attack.

In the 2017 attack on the Ramblas in Barcelona, the police defined the trajectory

of the van and a perimeter establishing the scene of attack. Requests for the status of victim from persons, who were outside that defined perimeter (e.g. people inside the stores on the Ramblas) were denied.

In addition, to qualify as victim of terrorism, the person must have suffered some physical or psychological damage. Families of deceased victims are considered indirect victims and as such receive compensation and enjoy several rights. The witnesses or unharmed bystanders, however, are only recognised for honorific purposes, but are not granted other rights that victims enjoy, such as compensation. Moral damages are not foreseen in Spanish legislation.

## **IMPACT OF TERRORIST ATTACKS ON VICTIMS**

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

### **Physical consequences**

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

### **Mental health consequences**

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

### **Financial consequences**

Victims of terrorism may incur severe injuries, that are linked with a (higher) probability of developing a psychological disorder. This

implies that the costs related to victimisation will be higher (for the victims, their property, their insurers and/or the government). A study carried out in 2015 (“Las víctimas 11 años después”) by the Association to Help the Victims of 2004 Madrid attacks showed that, although the Spanish unemployment rate, in 2004, had been 24%, it rose to 30% among the victims of the 2004 attacks.

### **Future events**

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

### **Risk groups**

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

## Loss and grief

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

### Further reading:



- Letschert, R.M., Staiger, I., Pemberton, A. (2010) Assisting victims of terrorism: towards a European standard of justice
- Damiani, C., Victime et traumatisme, in Tigrane Tovmassian, L., & Bentata, H. (2013) Le traumatisme dans tous ses éclats, p. 61-70
- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- German Presidency Report (2020) State of play regarding support to victims of terrorism, particularly in cross-border situations
- VOciare National Report Spain
- Law 4/2015, of 27 April, on the Statute of the Victim of Crime (Ley 4/2015, de 27 de abril, del Estatuto de la víctima del delito)
- Law 29/2011, of September 22, of recognition and integral protection to the victims of terrorism (Ley 29/2011, de 22 de septiembre, de Reconocimiento y Protección Integral a las Víctimas del Terrorismo)
- Organic Law 1/2019 of 20 February, amending Organic Law 10/1995, of 23 November, of the Criminal Code to transpose the Directives of the European Union in the financial area and counter-terrorism areas and to address international scope matters (Ley Orgánica 1/2019, de 20 de febrero, por la que se modifica la Ley Orgánica 10/1995, de 23 de noviembre, del Código Penal, para transponer Directivas de la Unión Europea en los ámbitos financiero y de terrorismo, y abordar cuestiones de índole internacional)
- “Las víctimas 11 años después”, Association to Help the Victims of 2004 Madrid attacks (Asociación Ayuda 11M)

## 1.2 VICTIMS' RIGHTS TO RESPECT AND RECOGNITION

### THE RIGHTS UNDER EU LAW

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

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

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

### Identification of victims and information about victims

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

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

loved ones are informed about the loss of life or injury of those who were identified at the scene;

- Inform external countries about the fate of their nationals.

### Recognition

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

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

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

## Respect

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

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

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

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

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

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

To ensure respect and recognition for all victims, especially in attacks affecting large numbers of people, it is fundamental for the authorities to plan and execute a rigorous victim registration procedure. This procedure should be designed in such a way as to centralise victim information

– including the information and contact details of concerned family members, witnesses and bystanders, first responders and other persons, who might have been impacted by the attack in different ways.

## AN OVERVIEW OF RIGHTS IN SPANISH LAW

In relation to the identification of victims, Royal Decree 32/2009 approved the National Protocol of Medical-forensic and Scientific Police measures in events with multiple victims. It regulates the coordinated activities, in emergency plans for events involving multiple victims nationwide, of forensic doctors, through the Legal Medicine Institutes, with the State Security Forces and Bodies, regional police and the National Institute of Toxicology and Forensic Sciences.

While Law 4/2015 on the Statute of the Crime Victim is based on the recognition of the dignity of all victims, Law 29/2011 in its 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 provides for the possibility of awarding educational grants, with exemptions from academic fees, scholarship systems and support within the education system. It also foresees the possibility to grant nationality to foreign victims of terrorism.

The Spanish Ministry of Interior, through the Directorate General for Support to Victims of Terrorism, is competent inter alia for the processing of honorary distinctions.

## THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS





## EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

### Identification of victims and information about victims

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

### Respect and recognition

#### Awards

The Royal Order of Civil Recognition of Victims of Terrorism was created with the intention of honouring the deceased, injured or kidnapped in terrorist acts in Spain, relatives up to the second degree of consanguinity, and witnesses. It is regulated in Title Six of Law 29/2011 of Recognition and Integral Protection to the victims of terrorism and in its Regulations, approved by Royal Decree 671/2013.

#### Commemoration

27 June, the anniversary of the death of the first recognized Spanish Victim of Terrorism - Begoño Urroz, killed on 27 June 1960 - has been declared as the day of remembrance and homage to victims of terrorism in Spain. Moreover, since 2005, 11 March has been adopted as the European Day of Remembrance of the Victims of Terrorism to commemorate the Madrid bombings of 11 March 2004.

On both days, the Spanish Government promotes acts of recognition of the victims of terrorism in coordination with associations, foundations and not-for-profit entities. More specifically, on 27 June a ceremony takes place in the Spanish Congress, with the participation of representatives of all political parties and victims' associations. On 11 March, numerous events take place throughout Spain, especially in Madrid. It is worth highlighting the floral offering organised by the Association of Victims of Terrorism (Asociación Víctimas del Terrorismo - AVT) in the Forest of Remembrance in the Retiro Park and the tributes in the stations

where the bombs exploded, organised by the "Association 11M - Afectados del Terrorismo". In 2021, the European Day of Remembrance of Victims of Terrorism, organised by the European Commission in close cooperation with the RAN Victims of Terrorism Working Group, took place in Madrid. 40 victims as well as representatives of the European Commission and EU Member States attended a ceremony at the Permanent Representation of the European Commission in Madrid, with 120 participants joining online.

In Spain there are several foundations, set up by family and loved ones, in the name of individual victims of terrorism, which carry out numerous activities in their memory. In addition, the Victims of Terrorism Memorial Centre (Fundación Centro para la Memoria de las Víctimas del Terrorismo) is a state public sector foundation, affiliated with the Ministry of Interior, set up to commemorate all Spanish victims of terrorism. In accordance with Law 29/2011, 'the Government shall establish a National Victims of Terrorism Memorial Centre, which shall have the objective of preserving and disseminating the democratic and ethical values embodied by the victims of terrorism, building the collective memory of the victims and raising awareness among the population as a whole for the defence of freedom and human rights and against terrorism.' The Memorial Centre is based in Madrid, where it has a permanent exhibition that will be combined with other temporary ones.

#### Monuments

The Spanish memorial for the victims of the 2004 bombings in Madrid was inaugurated in December 2007. Victims were involved in the planning and development of the commemorative monument at the El Pozo station, where 68 out of the 193 victims of the 2004 attacks were killed. In addition, there are monuments, squares, and streets in many Spanish towns and cities dedicated to the victims of terrorism and more recently, commemorative plaques are being placed where someone has died in a terrorist attack.

#### Honorary citizenship

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

## Further reading:



- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- European Commission (2020) EU Strategy on victims' rights (2020-2025)
- VSE (2019) Remembering Victims of Terrorism: A guidance document
- German Presidency Report (2020) State of play regarding support to victims of terrorism, particularly in cross-border situations
- 🌐 EU Centre of Expertise for Victims of Terrorism, EU Handbook on Victims of Terrorism
- 🌐 Ministry of Justice, Guide for the identification of victims (Guía para la identificación de víctimas)
- 🌐 Fundación Centro para la Memoria de las Víctimas del Terrorismo
- 🌐 Fundación Fernando Buesa
- 🌐 Fundación Miguel Angel Blanco
- 🌐 Fundación Gregorio Ordóñez
- 🌐 Fundación Profesor Manuel Broseta
- 🌐 Fundación Rodolfo Benito Samaniego
- 🌐 Fundación Alberto Jiménez-Becerril
- 🌐 Fundación Manuel Giménez Abad

## 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 SPANISH LAW

In Spain, as established by Law 4/2015, all victims have the right to information from the first contact with the competent authorities, to

receive clear information in their own language, adapted to their circumstances, and the nature of the crime. The Law establishes that the information shall be personalised and adapted to the circumstances and characteristics of the persons affected by the terrorist attack.

Victims of terrorism receive information and assistance via the Directorate General for Support to Victims of Terrorism of the Ministry of Interior. The information relates to general and specialist victim support (in particular, medical and trauma support) as well as practical support, as needed by victims. Specially trained personnel, such as social workers, contact victims as soon after a terrorist attack as security and medical conditions allow, to provide victims and their families with information on available support. The Directorate also provides information and referral to associations and foundations of victims of terrorism. The information is available online in both Spanish and English.

The Ministry of Justice established the Office for Information and Support to Victims of Terrorism at the National High Court, as established by Law 29/2011 and Royal Decree 1109/2015 implementing the Statute of the Victim of Crime, and regulates the Crime Victims' Support Offices. The Offices provide victims of terrorism, and their families, with a general orientation and specific legal information throughout the criminal proceeding.

## THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



### EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

In practice, it is essential that information is made available to victims of terrorism at all times. Information reassures victims, helps them understand and make decisions, and aids their recovery. The provision of adequate, timely information about the terrorist attack and its consequences is important to victims and their family members.

State authorities play a crucial role in providing accurate information after an attack. Government information is more effective when it is co-ordinated with civil society actors, media companies, social media, etc.

Information can be divided into:

1. rights and services, actions and expectations – as required by EU rules;
2. factual and topical information regarding the attack, the current situation, and the condition of loved ones;
3. dealing with the attack (involving reassurance and psycho-education on normal reactions and practical suggestions to encourage healthy behaviour).

### Information centres

It is recommended that victims of terrorism are provided with a centralised, single contact point that coordinates the work of all those involved in the support and protection of victims. Additionally, a dedicated website,

providing all relevant information, can act as – or be supported by – a one-stop-shop, a centre where a range of services (e.g., psychosocial, legal, medical and financial) is provided in the immediate aftermath of an attack.

In Spain, the Ministry of Interior website functions as a permanently available “[General Point of Access](#)”. Information about administrative procedures, rights and benefits specifically applicable to victims of terrorism is provided in person, by e-mail, post mail and phone via the Directorate General for Support to Victims of Terrorism of the Ministry of Interior. Spain also offers information through web pages and international networks in different languages, for example, through the United Nations’ Victims of Terrorism Support Portal web page.

Moreover, the Ministry of Justice, in close collaboration with the National Court and the victims’ associations, provided the Office for Victims of Terrorism with a computer program that allows the coexistence of the traditional method of face-to-face assistance to victims and the advantages of an Electronic Office (‘Oficina Electronica de Asistencia a las Victimas de Terrorismo’) enabling victims of terrorism to obtain digital information on the status of their judicial proceedings.

## 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
- 🌐 Aid to victims of terrorist attacks - Ministry of Interior
- 🌐 Oficina Electronica de Asistencia a las Victimas del Terrorismo – Ministerio de Justicia (in Spanish)
- 🌐 The National High Court’s Office for Information and Support to Victims of Terrorism in Spain - Ministry of Justice (in English)
- 🌐 L’Office d’information et d’assistance aux victimes du terrorisme de la Haute Cour Nationale – Ministère de la Justice (in French)
- 🌐 United Nations Victims of Terrorism Support Portal

## 1.4 VICTIMS' RIGHTS TO ACCESS SUPPORT SERVICES

### THE RIGHTS UNDER EU LAW

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

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

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

### AN OVERVIEW OF RIGHTS IN SPANISH LAW

The Directorate General of Support to Victims of Terrorism is competent to provide victims with means and services in relation to general and specialist victim support (in particular, free of charge, medical and trauma support), from the moment of the attack and while such need exists. The Directorate includes personnel with special training in psycho-social, medical and financial processes.

Law 29/2011 refers to the coordination of the Ministry of Interior with the central government representatives in the Autonomous Communities and the Directorate General for the Support of Victims of Terrorism. The coordination of the different competent public authorities aims at ensuring a comprehensive response to the needs of victims and their family members. Since these are not limited in time, it is understood that they shall last for as long as they are necessary.

## THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



### EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

As each victim will undergo a different recovery process, victims' needs change over time and the assistance and support provided has to be adapted to meet these changes.

Victims, especially if they have to deal with serious (mental) health problems after a terrorist attack, will face difficulties in absorbing information. Information on (organisations that provide) assistance and support will be more effective when it is provided on different occasions. Ideally, those offering help will be proactive: reaching out to victims on a regular basis, finding ways and opportunities to connect with them. Victims need information on available services, but should not be coerced into using them.

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

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

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

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

### Victim assistance centres

It is beneficial to set up a victim assistance centre after large-scale terrorist attacks: a one-stop-shop, where victims can go for information and support.

In Spain, the Directorate General of Support to Victims of Terrorism, as a one stop shop, receives and channels requests from victims and, as it collaborates with associations, foundations and other public and private institutions that can provide humanitarian or personal assistance, refers them to the appropriate competent body.

## Central contact point within government

The single contact point for victims of terrorism in Spain, established by the Directorate General

of Support to Victims of Terrorism by the Ministry of the Interior, was notified to the Council of the EU, in November 2020.

### 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
- Ministry of Interior – Directorate General of Support to Victims of Terrorism
- General Access Point of the Administration of Justice – Victims of Terrorism
- Vicente Colomina, Aída de (2019) Victims of Terrorism Quality Assistance Guide



## 1.5 VICTIMS' RIGHT TO ACCESS JUSTICE – PROCEDURAL RIGHTS

### THE RIGHTS UNDER EU LAW

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

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

### AN OVERVIEW OF RIGHT TO ACCESS TO JUSTICE IN SPANISH LAW

As foreseen by Law 4/2015, every victim has the right to appear before the authorities in charge of the investigation to provide them with the evidence and information that they consider relevant for the clarification of the facts. This right also applies to victims, who are not party in the proceeding as the law does not impose any restrictions on this option. Moreover, victims who choose not to be a party can still request to be notified about decisions and are entitled to appeal against judgments in criminal proceedings.

Victims' associations can join the public prosecutor in criminal charges ("Acusación Popular"), in line with the Criminal Prosecution Law, which states that the criminal action may also be exercised by victims' associations and by legal persons with the authority to defend the rights of the victims, provided that

this is approved by the victim of the crime.

Law 29/2011 provides the right of victims to legal aid. This aid is available to participating victims, for all proceedings that have links to, that derive from, or that are a consequence of their status as victims of terrorism. This right is also available to the legal heirs in case of death of the victim. In these processes, victims are also exempt from judicial fees.

The Office for Information and Support to Victims of Terrorism, established by the Ministry of Justice, is based at the National High Court and is staffed by Justice Administration civil servants (procedural and administrative managers) as well as psychologists. The staff of the office provides general legal orientation to victims of terrorism and their families.

Law 4/2015 provides that the victim, who has participated in the criminal proceedings, has the right to be reimbursed for expenses incurred, while exercising their rights. Reimbursement covers a wide range of costs, including travel expenses to participate in a trial, or the cost of psychological support, for example.

In Spain, it is recognised that participation in the trial enables people to recover a sense of control and empowerment. Therefore, throughout the criminal proceeding, the victim may require accompaniment by, or counselling from, a trained supporter. The Spanish Office for Information and Support to Victims of Terrorism organises appropriate accompaniment as needed. The victim may also present a general request for answers and claims for adequate compensation.

### THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



## EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

### Large scale attacks

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

Where criminal proceedings about terrorist attacks

and other disasters account for large numbers of victims, there may be a need for more support compared to other criminal proceedings.

### 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.

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

The trial held following the 2004 Madrid attacks is one of the largest ever held in Spain and took place between 14 February and 2 July 2007 (a total of 57 hearings were held). The trial was attended by 300 witnesses, 60 experts, three

victims' associations and 15 private attorneys, who joined the public prosecutor in the criminal charges, and 150 mass media representatives, who reported on the trial.

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

### 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
- The National High Court's Office for Information and Support to Victims of Terrorism in Spain - Ministry of Justice (in English)
- L'Office d'information et d'assistance aux victimes du terrorisme de la Haute Cour Nationale – Ministère de la Justice (in French)
- VOCIARE National Report Spain
- Guía de Buenas Prácticas para la Asistencia Jurídica a las Víctimas del Terrorismo en el ámbito de la Audiencia Nacional (AVT)
- RAN Centre of Excellence, Enhancing the resilience of victims after terrorist attacks
- NATO, Psychosocial Care for People Affected by Disasters and Major Incidents: A Model for Designing, Delivering and Managing Psychosocial Services for People Involved in Major Incidents, Conflict, Disasters and Terrorism

## 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 THE RIGHT TO PROTECTION IN SPANISH LAW

In the Spanish legal system, Law 4/2015 includes a chapter on the protection of victims, which requires the authorities and their officials, the police, judges and prosecutors, to promote and provide such protection. Protection measures cover victims and their families' lives, physical

and mental integrity, freedom and security, as well as their privacy and dignity.

The Fourth Title of the law provides for the protection of privacy, and the monitoring and control of information to prevent illicit publicity and the unauthorized images of the victims, who are attributed the actions of cessation and rectification before the Courts. Law 4/2015 also includes a reference to media self-regulation. In the context of the criminal proceedings, the principle of minimum damage (*minima lesividad*) protects the dignity and personal security of the victims, limiting the discomfort of and prejudice to the victims, by e.g. avoiding direct audio/visual contact with the accused.

Victims of terrorism enjoy additional protection mechanisms. The National High Court's Office for Information and Support to Victims of Terrorism promotes the safety and privacy of victims in their participation in judicial processes, to protect them from unlawful interference, or acts of intimidation and retaliation, or any other offensive or defamatory act.

Law 29/2011 dedicates a chapter to the victims' data processing rights. It reflects the importance given by society to the defence and protection of the dignity of victims of terrorism. Protection of victims' privacy, the banning of publicity aimed at humiliating or degrading victims and their families, prohibiting the unauthorised use of their personal images by mass media, and the training and awareness-raising of mass media professionals are foreseen with the aim to protect the victims' dignity.

## THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



### EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

#### Government and the media

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

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

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

### Victims and the media

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

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

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

during the Brussels lockdown following the Paris attacks in November 2015.

The “Victims of Terrorism Quality Assistance Guide”, (described in more detail in section 1.7 below) recognises that repeated exposure to images associated with the terrorist attack may have a long-lasting impact on victims, increasing the risk of stigmatization of those affected or the risk of developing stress symptoms.

With this in mind, some institutions and

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

## 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
- The National High Court’s Office for Information and Support to Victims of Terrorism in Spain - Ministry of Justice (in English)
- L’Office d’information et d’assistance aux victimes du terrorisme de la Haute Cour Nationale – Ministère de la Justice (in French)
- VOCIARE National Report Spain
- Decálogo Periodismo responsable con las víctimas del terrorismo (AVT)
- Manual del Estilo de RTVE
- Recomendaciones sobre la cobertura informativa de actos terroristas (Consejo Audiovisual de Cataluña y Colegio de Periodistas (2016)
- 🌐 Vicente Colomina, Aída de (2019) Victims of Terrorism Quality Assistance Guide

## 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 SPANISH LAW

See above in subchapter 1.6, in the section on rights in Spain. Furthermore, Law 29/2011 addresses the need to protect the public dignity of victims and foresees the existence of a specific unit in charge of liaising with, assisting and orienting victims of the terrorist acts and their family members. In addition, Spanish regulations provide measures aimed at avoiding secondary victimization caused by social and institutional agents.

## THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



### EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

In Spain, in addition to protecting victims' physical security, attention is given to prevent emotional harm in victims because of administrative and criminal justice proceedings. Victims are provided support

by trauma trained psychologists and social workers with the specific aim of preventing secondary victimisation.

In 2015, the Spanish Psychological Association and the Ministry of the Interior signed an agreement for the creation of the National Network of Psychologists for the Assistance of Victims of Terrorism. The members of this network have broad experience in caring for victims and receive continuous training.

## NATIONAL CASE STUDY: DEVELOPMENT OF GUIDANCE TO AVOID SECONDARY VICTIMISATION

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

The Guide recognises the immense

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

### Further reading:



- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- United Nations Victims of Terrorism Support Portal
- EUCVT (2021) EU Handbook on Victims of Terrorism
- Vicente Colomina, Aída de (2019) Victims of Terrorism Quality Assistance Guide, also available on the Spanish Ministry of Interior’s website
- Como afrontar el proceso judicial derivado del atentado sufrido (AVT)
- El impacto psicológico de los actos de recibimiento y homenaje en las víctimas del terrorismo de ETA (AVT)
- Guía General de Buenas Prácticas en el trato con las víctimas del terrorismo que evite la victimización secundaria (Secretaría para la Paz y Convivencia del Gobierno Vasco)



## 1.8 VICTIMS' RIGHTS IN RELATION TO ACCESS TO COMPENSATION

### THE RIGHTS UNDER EU LAW

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

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

### AN OVERVIEW OF RIGHTS IN SPANISH LAW

Prior to 2011, other regulations existed, which were unified under Law 29/2011. According to this legislation, victims of terrorism have access to higher rates of compensation than victims of other crimes. Compensation payments are set for personal injury (death or any type of permanent disabilities) as are benefits for

material damage, damage to private or public buildings and vehicles, labour rights, preference in public housing awards, and tuition fee exemptions.

The Directorate General of Support to Victims of Terrorism is responsible inter alia for the processing and management of compensation claims, and is responsible for presenting a support package proposal, compensation, and honours to those affected by terrorism. The Directorate is also responsible for the payment of any state compensation determined by the criminal proceedings.

In addition, Royal Decree-Law 851/1992 establishes the right of Exceptional Pensions derived from Terrorist Attacks. Extraordinary terrorism pensions are double that of regular pensions and are exempt from taxes. These pensions are also given to victims, who have no right to an ordinary pension under any Social Security scheme. In this instance, the amount is three times the state base indicator (Indicador Público de Renta de Efectos Múltiples - IPREM). These pensions can be claimed by injured victims with permanent disabilities and victims' surviving spouses, cohabitants, and children.

### THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



## Examples of national perspectives or international good practices

In Spain, victims of terrorism may be awarded two cumulative types of compensation: a lifetime pension and a single lump-sum payment. Persons, whose relative was killed in the attack can be awarded a lump-sum of up to €250,000. Survivors of an attack, who suffered a disability as a consequence of the attack, can be awarded up to €500,000. Victims can also receive compensation for non-disabling injuries, in amounts related to the state base salary.

If, due to the seriousness of the injuries, a total, absolute or severe permanent disability is likely to be subsequently recognised to the victim, the Ministry of the Interior may advance up to EUR 18,030.36 on account of the final subsidy. Furthermore, in cases of disabling injuries or a temporary disability, the amounts corresponding to the periods of absence from work may be paid on a three-month basis. These advances

shall be determined by multiplying the double of the state base salary, in force when the injury occurred, by the number of days the victim was unable to work (as established in Law 29/2011).

Victims of terrorism may also receive specific subsidies to finance medical and psychological treatment, prostheses and surgery, if this cost is not covered by other sources. With the help of different associations and foundations, victims can request additional financial aid to cover medical expenses such as prostheses or hearing aids, training courses, or emergency aid in situations with a high risk of social exclusion. Psychological treatment, is paid up to the limit of €3.600 per individualised treatment package.

The compensation claims must be filed within one year of the victim's full recovery and the victim must introduce the claim themselves. The procedure for awarding honours may also be initiated ex officio by the Ministry of the Interior, after consultation with the victim. The indemnities are exempt from income tax.

### Further reading:



- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- VSE (2019) A Journey from Crime to Compensation
- German Presidency Report (2020) State of play regarding support to victims of terrorism, particularly in cross-border situations
- VOCIARE National Report Spain
- 🌐 Ministry of Interior – Directorate General of Support to Victims of Terrorism

# 2. CONSIDERING PARTICULAR GROUPS OF VICTIMS

## 2.1 CROSS-BORDER VICTIMS

### THE RIGHTS UNDER EU LAW

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

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

### AN OVERVIEW OF RIGHTS IN SPANISH LAW

The benefits set out in Law 29/2011, are granted to all victims of terrorist attacks committed in Spain, regardless of their residence status. This includes access to information regarding their rights, available support services, and compensation schemes and applies to all Spanish nationals, who have been victims of terrorist attacks abroad, including Spanish nationals taking part in international peace-keeping and security operations.

As a result, cross-border victims receive the same treatment and are granted the same rights as

Spanish nationals, who are victims of a terrorist act in Spain. In the case of foreign victims, the initial needs assessment will determine if the victim is to remain in Spain or return to their country of origin. If the victim remains in Spain, they are treated the same way as a Spanish victim would be, enjoying all available resources to meet their needs, including psychological support from the National Network of Psychologists for Support to Victims of Terrorism, some of whom speak English and French. If the victim of an attack in Spain returns to their country of origin, the Ministry of the Interior will pay for their psychological support.

### Compensation schemes

Foreign victims of an attack in Spain are entitled to the same compensation and economic assistance as Spanish victims, as described above, whether they stay in Spain or return to their country of origin.

An ongoing reform of Spanish law, to take into account Spanish victims of attacks abroad receiving compensation from other countries, is under way to make the compensation provided by Spain supplementary to that offered by the other country. If the compensation to be received abroad is less than that provided in Spain, this difference will be paid to the victim.

### Participation in criminal proceedings

Since the approval of the Criminal Procedure Act in 1881, the victim can be a party in criminal proceedings, without restriction. Law 4/2015 provides that the victim, who has participated in the criminal proceedings, has the right to be reimbursed for expenses incurred in exercising his/her rights. As stated above, victims' associations

can join the public prosecutor in criminal charges.

## Translation of official documents

Law 4/2015 provides that every victim, who does not speak or does not understand Spanish or the official language used in the proceedings, is

entitled – free of charge – to the assistance of an interpreter, who speaks a language that the victim understands, receive free translation of decisions in criminal proceedings, and of the information that is essential for the exercise of their rights.

## THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



## EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

In the immediate aftermath, Spanish victims of attacks abroad, are supported by consular officers and, when it is possible, team members from the Directorate General for Support to

Victims of Terrorism travel to the country where the attack occurred.

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

### Further reading:



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

## 2.2 CHILDREN

### THE RIGHTS UNDER EU LAW

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

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

### Impact of terrorist attacks on children

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

### THE NEEDS OF VICTIMS OF TERRORISM RELATED TO THESE RIGHTS



## EXAMPLES OF NATIONAL PERSPECTIVES OR INTERNATIONAL GOOD PRACTICES

### Children as direct victims

Law 4/2015 recognizes the necessary training of professionals dealing with victims and, in particular, the attention to be paid to victims with special protection needs and those who are particularly vulnerable, such as child victims.

Specific measures are envisaged for these victims in the protection of their right to privacy, according to Law 4/2015. The following measures are mandatory: the prohibition of disclosure or publication of information relating to their identity, of data that may facilitate their direct/indirect identification, or of those personal circumstances that have been assessed to resolve their protection needs. In addition, there is a radical

ban on obtaining, disseminating, or publishing images of the child or their family members.

With regards to the adoption of measures to protect child victims in the criminal process, the advanced declaration has been progressively accepted by the judiciary and some special measures can be put into practice, such as video conference.

### Interaction between TV broadcasting or written media and children

The Spanish Public Radio Television (RTVE) has published recommendations for the treatment of all victims of terrorist attacks by the media, according to which reporting on victims of terrorism must be done with the utmost respect for their situation and privacy, as well as with recognition of the pain of their relatives.

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

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

- Personalised monitoring of the evolution of the injuries and the child's specific situation;

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

### Further reading:



- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- VOciare National Report Spain
- Manual del Estilo de RTVE

# 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 experiences in terrorist attacks and some Member States have not yet developed protocols for the establishment of a specific response network to terrorist attacks. Where such a response network is not available, it is our understanding that existing crisis response structures can be adapted to terrorist attacks.

### AN OVERVIEW OF RIGHTS IN SPANISH LAW

Law 29/2011 includes the general measures to be implemented immediately after a terrorist attack, based on Public Administration cooperation at every level. Available resources are placed at the service of victims to ensure that they receive individualised assistance in exercising their rights. The law foresees the establishment of general action protocols.

#### Preparation and training – national perspectives or international good practices

#### Planning and co-operation

In Spain, special governmental departments for victims are involved in crisis planning. However, it must be understood that the immediate response to terrorist attacks is framed within the National Civil Protection System (Law 17/2015, of 9th July). Many services from the different Public Administrations participate in this phase, but in general, management of the emergency lies with the Autonomous Communities, some of which invoke specific plans in the event of terrorist attacks or include options in their general plans for these situations.

## Training

The training of professionals is legally recognised in Law 4/2015. The latter foresees that the Ministry of Justice, the General Council of the Judiciary, the Attorney General's Office and the Autonomous Communities, within the scope of their respective competences, shall provide general and specific training on the protection of victims in criminal proceedings, including training courses for judges and magistrates, prosecutors, court staff, police officers, forensic doctors, personnel in the service of the administration of justice, victim support officers and, where appropriate, civil servants from the General State Administration or the Autonomous Communities performing functions in this field.

Law 17/2015 of the National Civil Protection System also foresees the training of professionals involved in the emergency phase. In addition, at least once a year, an attack simulation is organised involving: emergency services (including health services, firefighters and civil protection volunteers), local police, members of the State Security Forces and victim support services.

## Emergency response phase – national perspectives or international good practices

Support services for victims of terrorism are defined within the Ministry of the Interior's

national framework for emergency-response.

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

## Medium- and long-term – national perspectives or international good practices

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

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

## 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



## 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 infrastructures.

### AN OVERVIEW OF RIGHTS IN SPANISH LAW

In Spain, there is a national framework and strategy on victims of terrorism and, as mentioned above, a specialist Governmental body, the Directorate-General for Support to Victims of Terrorism. Law 29/2011 ensures the protection of victims of terrorism as defined and characterised by the provision of comprehensive support for those individuals, at the time of the terrorist attack and in the medium to long term. The support includes information on compensation and financial assistance as well as other kinds of services and assistance to meet needs of victims after a terrorist attack. The General Directorate for the Support to Victims of Terrorism deals with all victims of terrorism, regardless of their nationality or their residence status (or legality thereof).

### 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.

Further support is provided through Victim Support Offices, which are generalist support services provided by the State and present in every Spanish province. These generalist services provide victims with information, psychosocial and practical support. Support is complemented by the services offered at the regional level, by provinces, or by non-governmental sector organisations. With a long history of terrorist violence, Spain has

several active victims' associations, including the organisation, M-11, set up shortly after the Madrid bombings on 11 March 2004 with the aim to advocate for medical, psychosocial and legal support for the survivors and families of the 193 victims, who died in the attacks. The Association of Victims of Terrorism (Asociación de Víctimas del Terrorismo - AVT) is a larger, nation-wide organisation with more than 4400 members, all victims of attacks perpetrated by terrorist organisations across the country.

Associations of victims are regularly consulted in the creation of official policies and the media find them relevant in the participation of public debates.

Likewise, within the associations, there are multidisciplinary teams that develop different psychosocial care and awareness projects, such as studies and documentaries on the work undertaken on the recovery of victims.

### Certified psychotrauma experts

It should be noted that the EUCVT has compiled a list of Psycho-trauma experts, based in Europe, who have all been invited to join the online Hub with a view to exchanging best practices and increasing expertise at the national level.

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

### Further reading:



- Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?
- 🌐 Fundación Víctimas del Terrorismo, including the list and contact details of all victims of terrorism associations

## 4. EUCVT

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

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

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

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

### Website

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

### Experts

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

### Contact details

[eucvt@victimsupporteurope.eu](mailto:eucvt@victimsupporteurope.eu)

### Further reading:

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

