



Model Legislative Provisions to support and protect the rights and needs of victims of terrorism

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BRUEGEL'S ICARUS AND THE PERILS OF FLIGHT







Model Legislative Provisions: Purposes

- ▶ To protect [respect, and ensure] the rights of victims of terrorism, including by ensuring:
 - ▶ Necessary assistance (medical, psychological, social, and material);
 - ▶ Adequate, effective, and prompt reparation (including restitution, compensation, satisfaction, and truth), cessation, and guarantees of non-repetition;
 - ▶ Protection of physical and psychological integrity, privacy and reputation;
 - ▶ Access to justice in all criminal, civil and administrative proceedings and processes related to being a victim;
 - ▶ Access to information about rights and remedies
- ▶ To promote and facilitate national and international cooperation in order to advance the above purposes.

Model Legislative Provisions: Definitions

- ▶ Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power -- defines victim as:
 - ▶ Persons who, individually or collectively, have suffered harm ... through acts or omissions that are in violation of criminal laws operative within Member States
 - ▶ Regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim
 - ▶ Includes, where appropriate, the immediate family or dependants of the direct victim
 - ▶ Persons who have suffered harm in intervening to assist victims in distress or to prevent victimization
 - ▶ Applicable to all, without distinction of any kind

Model Legislative Provisions: Coordination, co-operation and oversight

- ▶ Establish a [co-ordinating body] to:
 - ▶ Co-ordinate the implementation of the [Model Law]
 - ▶ Co-ordinate co-operation under the [Model Law], including concerning assistance, protection, reparation, information and access to justice
- ▶ Establish a Registry of Victims [immediately after a terrorist incident]

Model Legislative Provisions: Right to Assistance

- ▶ The [competent authorities] shall ensure that victims of terrorism receive the material, medical, psychological and social assistance that is necessary to meet their needs as victims ...
- ▶ Assistance may be provided through governmental, voluntary, community-based or other means ...
- ▶ Availability, accessibility, assessment, and accountability ...

Model Legislative Provisions: Right to Reparation

- ▶ The [competent authorities] shall ensure the right of victims of terrorism to full, adequate, effective and prompt reparation for all harm suffered from terrorism
- ▶ The [competent authorities] shall ensure a victim's right to satisfaction, including the right to truth, in order to acknowledge the harm done, repair the moral injury suffered, restore the victim's dignity, and preserve historical memory

Model Legislative Provisions: protect the physical and psychological integrity and privacy

- ▶ The [competent authorities, court, or other relevant entity] shall promptly identify any threats [risks] to the safety, security, psychological integrity and privacy of victims and their families, and assess individual needs for protection from such threats
- ▶ A victim has the right to request protective measures from the [competent authorities or court]
- ▶ The freedom of the media to receive and impart information, including on the impacts of terrorism on victims, and of the public to receive it, shall be balanced with the rights of victims [and witnesses]

Model Legislative Provisions: Right to Information

- ▶ The [coordination body] shall ensure that victims are informed about the factual situation; about their rights under the [Model Law] to assistance, reparation, protection, and access to justice and how, where and when these rights can be exercised; and about other relevant matters

Model Legislative Provisions: Access to Justice

- ▶ Procedures for providing justice and accountability to victims under [the Law] shall be accessible, fair and expeditious ... and gender-responsive (including taking into account gender-related harms)
- ▶ The [competent authority or court] shall inform the victim of:
 - ▶ Any such proceeding; their role in, and the scope, timing and progress of such proceedings; and of the disposition of those cases
 - ▶ Their rights to legal assistance, advice and representation, including through legal aid services, and of how to access such rights
- ▶ The victim shall have the right to represent themselves in person or to be represented through legal counsel of their own choosing

Model Legislative Provisions: Consular Assistance & Protection

- ▶ Where a victim of terrorism committed in another State is present in that State and is a national of [name of State enacting this Law], the [competent authority] should provide effective assistance and support with a view to protecting the victim's rights, in accordance with international law

Model Legislative Provisions: Child Victims

- ▶ In addition to the provisions in the [Model Law] the [competent authorities and other relevant entities] shall apply international standards and norms regarding child rights and child victims of crime

Model Legislative Provisions: Victims of sexual and gender-based violence by terrorist groups

- ▶ Must be recognized as victims irrespective of their perceived status or affiliation with such groups
- ▶ Are entitled to all relevant measures under the [Model Law] and international law, including gender-sensitive and victim-centred assistance, reparation, protection, and access to justice
- ▶ The victims, including women with children born from wartime rape and victims of trafficking, are to be provided tailored, comprehensive, and quality multi-disciplinary assistance and protection

Model Legislative Provisions: Victims of trafficking by terrorist groups

- ▶ Shall not be held detained, held legally liable, or punished penalized for:
 - ▶ [Offences or unlawful acts] committed by him or her, to the extent that such involvement is a direct consequence of their situation as a trafficked person
 - ▶ Immigration offences under national law

Model Legislative Provisions: Armed conflict, displacement, and migration

- ▶ Are entitled to the protections of international human rights law, international humanitarian law, and international refugee law without adverse distinction, without prejudice
- ▶ Where victims are internally displaced, for reasons related to terrorism or otherwise, the [competent authorities] shall ensure their protection and treatment in accordance with their rights
- ▶ Where victims are non-nationals, including asylum seekers, or refugees, or migrants, the [competent authorities] shall ensure their protection and assistance

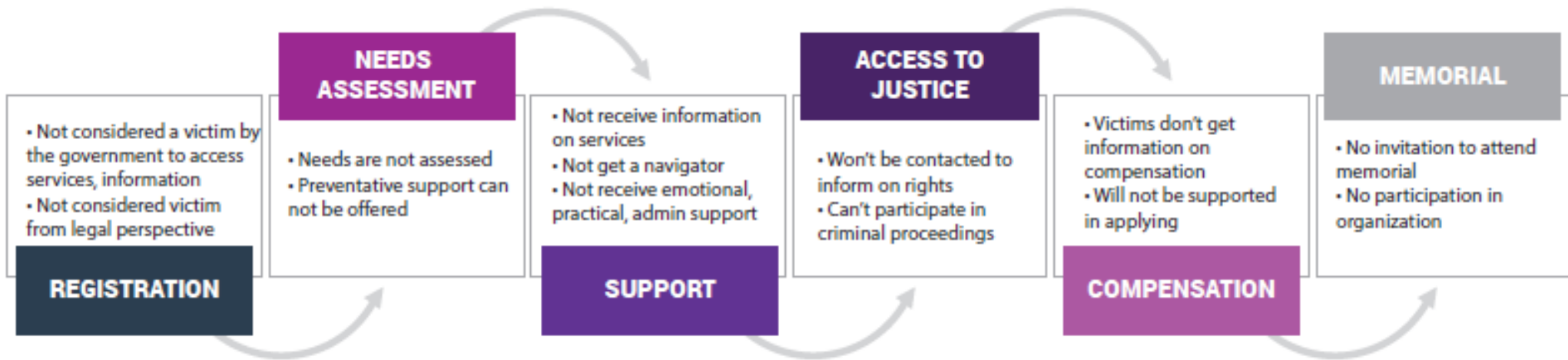
Model Legislative Provisions: Training

- ▶ The [coordination body] shall promote and support victim sensitivity training for all [competent authorities and other actors] dealing with victims of terrorism

Model Legislative Provisions: Organizations representing the interests of victims of terrorism and other civil society organizations

- ▶ Victims of terrorism, like other persons, have the right to create any form of association or organization to represent and advocate for their interests, protect their rights or assist and support their needs

Possible consequences of not being 'recognised' / registered as a victim of terrorism



Model Legislative Provisions

https://www.un.org/victimsofterrorism/sites/www.un.org.victimsofterrorism/files/220204_model_legislative_provisions.pdf