



MONEY ISN'T EVERYTHING

A qualitative study on the
characteristics and explanations
surrounding international
compensation schemes for victims
of terrorism



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P R E F A C E

The past five months I have worked on this thesis on compensation for victims of terrorism to complete the Master Contemporary Social Problems at Utrecht University. Although positive moments prevail, the past few months writing this thesis were no walk in the park. In retrospect, I was caught off-guard by the time-investment that was necessary for performing qualitative research. In contrast, I have developed a great interest in the subject and I have learned a lot on compensating victims after an offence.

First of all, I would like to thank my colleagues at the Ministry of Security and Justice for their knowledge on the subject, their questions and their ideas for my thesis. A special thanks for Henrike, Erik and Marit for giving me the opportunity to write my thesis at the victim policy department. Without the support from my supervisor from the Utrecht University, Pascale van Zantvliet, this thesis would not have been as it is now. I'm grateful for her comments, her useful feedback and her input to take this thesis to another level.

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SUMMARY

Although a terrorist attack has not taken place in the Netherlands, the chances are real that it might happen and several dozens of Dutch citizens were victimized during terrorist attacks across Europe in the last few years. The descriptive question of this study focused on a comparison between compensation schemes in France, Belgium, Germany and the United States of America. The explanatory question concentrated on understanding differences between the compensation schemes for victims of terrorism. Finally, the policy-related question directed attention to suitable options that could be adopted in the policy of the Netherlands concerning compensation for victims of terrorism.

The theoretical background used the micro-, meso-, macro-perspective to distinguish different levels. The micro-perspective argued that victims have different needs at different moments. A societal response as charitable donations after an attack was defined as the meso-level. Last, the macro-level focused on the governmental approach on this subject. An explanation for macro-level choices was sought in the typology of welfare states. The liberal welfare state was said to have the lowest governmental involvement, the conservative-corporatist moderate involvement of governmental bodies and the social-democratic welfare state with the highest governmental involvement.

The qualitative approach existed of in-depth expert interviews and a document analysis of policy-documents, reports and legislations for in-depth information. The document-analysis concentrated on the comparison between compensation schemes of France, Germany, Belgium and the United States of America. Complementary to the document analysis, fifteen in-depth expert interviews were executed that focused on the micro, meso and macro subjects surrounding the subject. A convenience sample was used to select experts for the interviews in the Netherlands. Experts were selected on their profession and knowledge of the subject. The organizations were selected on their role in the regular Dutch system of compensation.

The diversity of approaches in countries was ascribed to cultural differences, political pressure and previous experiences with terrorist attacks. Categories of victim needs were recognized by the experts. Experts stated that a definition of a victim can only be tailor-made *after* an attack. The typology of welfare-states was not a sufficient to understand the differences in compensation between countries. Furthermore, the phenomenon of charitable funds was a subject that the government should not be overly involved in, but that it is a societal process that should not be blocked. A political choice has to be made in the Netherlands on the degree of governmental involvement.

Roughly four models were identified in this study concerning the route the Dutch policy could take. Recommendations focused on prioritizing the subject in the political context and then deciding on a short-term solution. The long-term solutions need further research and calculations on the effect of these models. An advise was to look into the option to extend 'the Act compensation and damages during disasters and major accidents' with personal damage to guard uniformity. It would be too premature for the current outgoing minister of Security and Justice to decide on a long-term solution with the absence of a new House of Representatives. The long term solution should be left for the new minister.

CHAPTER 1: INTRODUCTION

In this chapter, the subject of this thesis is introduced. First, there is a general introduction on the societal processes and the individual processes of the subject, which is followed by the aim of this research. Afterwards, the relevance of this study is discussed. Subsequently, the descriptive, explanatory and policy-advice research questions are presented. A reading guide finishes this chapter.

1.1 General introduction

The last few years, Europe has encountered several terrorist attacks, most recently in London (twice), Manchester, Stockholm, Berlin, Nice, Brussels and shortly before in Paris (Foster, 2017; Wiersma, 2016; Phipps and Weaver, 2016; Henderson and Sabur, 2016). According to the National Coordinator for Security and Counterterrorism (in Dutch: NCTV) the terrorist threat for the Netherlands is ‘substantial’, which means that the chance of a terrorist attack in the Netherlands is real (NCTV, 2016). Several dozens of Dutch citizens were victimized during the aforementioned terrorist attacks.

After a terrorist attack, victims are likely to be confronted with direct costs due to the attack, for example medical expenses, mental health costs and property loss (Letschert, Staiger and Pemberton, 2010). Therefore, the timing of compensation is important to financially support victims in the direct aftermath of the attack (Pemberton, 2010). Recent cases of compensation for victims of terrorism have shown different approaches in the way native and foreign victims are compensated. After the attack in Nice, victims were able to sign up for compensation through a national governed process (CIAV, 2016). After the attacks in Brussels, victims weren’t informed by the government at all about compensation processes (COT, 2017). Next to the European perspective on compensation of victims of terrorism, it is also interesting to look at these compensation schemes from a completely different perspective. Letschert and Ammerlaan (2010) mention that the United States of America has a history of compensation on different occasions that could provide in great material for comparison.

In a report from the COT (2017) Dutch citizens were interviewed who had become a victim of a terrorist attack in a foreign country, such as during the attacks in Brussels, Belgium or in Paris, France. The COT concludes that Dutch victims who were victimized in a terrorist attack in a foreign country experience difficulties in receiving compensation, because the Dutch system does not offer compensation for attacks in foreign countries. Victims need to register for compensation in the country where the terrorist attack occurred. This often poses difficulties in terms of language, law, but also in terms of contact between different governments and organizations (COT, 2017).

Unfair treatment by the criminal justice system could lead to further suffering of primary victims and their relatives, as they do not feel like their needs are being met (Andreescu, 2016; COT, 2017). The European Parliament (2012) challenges every member state of the European Union to apply minimum standards to the protection of victim rights with Directive 2012/29/EU. Specifically for the compensation

of victims of terrorism, it mentions that victims should have access to compensation schemes offered by other EU member states. This directive forces the Ministry of Security and Justice in the Netherlands to think about the compensation scheme that is at their disposal for when citizens are victimized by a terrorist attack in the Netherlands.

1.2 Aim

The research goal is to gain more insight in the ideal type compensation scheme for victims of terrorism in the Netherlands, by analyzing and considering recent practices and cases of compensation in France, Germany, Belgium and the United States of America. A subordinated goal of this research is to offer the Ministry of Security and Justice scientific and policy-related insights in adopting options on certain compensation schemes in the Dutch policy.

1.3 Relevance

This research will offer insights in the way other European countries have organized compensation of victims of terrorism, compared to practices in the Netherlands. Compensation is considered to be a part of the victims' needs after a terrorist attack (COT, 2017; Pemberton, 2010). It has become apparent that there is an inequality on compensation on the individual level, since foreign victims might not be eligible to apply for certain compensation schemes to which natives can apply for. Such an inequality should be avoided, because that could lead to secondary victimization for victims who experience disadvantages from the system (Andreescu, 2016). Because states depart from a different idea on the responsibility of the state in providing care for their citizens, their perception on compensation is different (Albrecht and Kilchling, 2007). Therefore, it is not possible to duplicate schemes from one country to another. This research is relevant because it aligns with current events and provides the ministry of Security and Justice with insights on what they should and should not include in their compensation scheme for victims of terrorism. Furthermore, this research gives insight in the extent of governmental responsibility that suits compensation for victims of terrorism.

A first comparison on compensation schemes in the European Union was done by Letschert, Staiger and Pemberton (2010) from which they conclude that the schemes differ from each other, and the effectiveness of compensation schemes in the European Union could be improved. In this study, recent European practices in compensation schemes for victims of terrorism are used to highlight similarities and differences between these schemes. Such a comparison provides an insight in the theoretical arguments that are embedded in their specific policy decisions on compensation for victims of terrorism. To incorporate a non-European perspective, the United States of America will be incorporated in the comparison, just as Letschert, Staiger and Pemberton (2010) did. This study will provide a more contemporary insight in the reasons why and how countries arrange their compensation schemes for victims of terrorism. Furthermore, this study provides insight in the theoretical arguments that might justify exceptional regulations for victims of terrorism. Such justification is needed, because societal

support for exceptional treatment of victims of terrorism is currently lacking (Albrecht and Kilchling, 2007). This scientific research adds valuable information to understand theoretical arguments that surround the idea of compensation for victims of terrorism. Next to that, the scientific approach in this study enables a comparison of international schemes in a unique combination with expert-interviews performed in the Netherlands and their perceptions on policy.

1.4 Research questions

The primary goal of this research is reached by answering the following research questions; a descriptive question, an explanatory question and a policy-advice question. The descriptive question will offer background information on general considerations concerning compensation schemes for regular crimes and for crimes with terrorist intentions. Furthermore, this question enables a comparison between the practices of compensation in different European countries, and the United States of America. The descriptive question is formulated as followed:

What characterizes compensation schemes for victims of terrorism in the Netherlands, France, Belgium, and the United States of America and how do these compare to each other?

As Ritchie et al. (2014) mention, comparison can be an effective research instrument, but does not offer enough room for understanding the differences between parties. To explain the differences between compensation schemes from different European countries, the explanatory question aims to find the reasons why these differences occur.

How can we understand differences in compensation schemes for victims of terrorist attacks between The Netherlands, France, Germany, Belgium and the United States of America?

For a policy-advice question it is important to consider the social-scientific knowledge on the subject, compare that to the policies activated in other countries and then translate that into an advice for the governing body, in this case the Ministry of Security and Justice of the Netherlands.

Which options on compensation for victims of terrorist attacks are advised to the Netherlands to adopt in the Dutch policy on compensation schemes for victims of terrorism ?

1.5 Outline

Chapter two will focus on the theoretical background surrounding the compensation of victims of terrorism. In the same chapter, the micro-meso-macro model will act as a guideline to provide a *multi-level* analysis on the scientific background of the compensation of victims of terrorism. Subsequently, chapter three considers the methodology and in chapter four the results are presented. The document-analysis provides input for the comparison of compensation schemes. Expert-interviews provide input on the desirability of certain arguments. Chapter five consists of the conclusion and discussion of this study and in chapter six the policy-advice can be found.

CHAPTER 2 : THEORETICAL BACKGROUND

This chapter highlights the theoretical background of this thesis, in which the micro-meso-macro-framework will act as a guidance towards providing sufficient theoretical considerations. The micro-level distinguishes behavior on individual level (micro) from the collective level (macro) (Wolters and de Graaf, 2005). The macro-level is seen as the level in which sociology analyzes forces of stability, such as religion, culture and institutional change (Schillo, Fischer and Klein, 2001; Wolters and de Graaf, 2005). Schillo, Fischer and Klein (2001) refer to the meso-level as social institutions, made up of individuals, such as families (Faist, 2010) and communities (Falk and Kilpatrick, 2000). This chapter will start with the macro-perspective to discuss the governmental and supranational processes that are at play. Next the meso-level is elaborated on charitable initiatives from society. The micro –level will discuss the perspective from the victim of terrorism.

2.1 Macro-level

This paragraph elaborates on the macro-level concerning the compensation of victims of terrorism. Whereas exploring the definition of a victim is not a general concern of this study, it is important to highlight certain major definitions, critiques and insights in the way the concept of victim has evolved in the last decades. Perceptions on the definition of victims will determine the access to compensation on the micro-level. The way a compensation scheme is set up may determine why victims receive certain compensation and other victims do not receive compensation.

2.1.1 Defining the victim

Shapland (1984) mentions that the role of the victim in the criminal justice system has become more prominent in the last few decades. Victims are more often viewed to be essential in reporting, in the investigation of cases and are also considered to be important resources for providing evidence to courts. Similarly, the position of the victim in law and the rights of victims have changed, primarily because the police and justice system realized that victims are essential to prosecute offenders (Leferink, 2012).

A report on Victims in Europe (APAV, 2009) shows that definitions of victims are interpreted differently throughout European Member States, wherein some states use a *narrow* definition, and some states make use of a *broad* definition. The narrow definition only considers the *natural person* to be a victim (European Council, art. 1, 2001), whereas the broad definition includes family members as a victim as well (European Parliament, 2012). Miers (2014) states that it is questionable to make a clear definition, because a definition of a victim is a social construction of particular persons that have experienced certain harms in a process of claims and negotiations.

In order to tackle different definitions between European states, Directive 2012/29/EU on minimum rights for victims makes it possible to harmonize definitions in EU member states. The directive prescribes the following definition:

“The victim means (i): a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence; and (ii) family members of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person's death.”(European Parliament, 2012)

As a result of the directive, the Netherlands have implemented the following definition on the victim:

“The victim means (i) anyone who has suffered harm which was directly caused by a criminal offence and (ii) family members of a person whose death was directly caused by a criminal offence.” (Penal Code, 2017, First book, Article 51a).

In addition, the definition in the Netherlands also acknowledges that artificial persons (e.g. companies, organizations and shops) could also be a victim because they too can suffer from direct harm to their properties. In the Dutch regulations, these artificial persons have the same rights as natural persons. From a policy-document from the Victim Policy Department of the Ministry of Security and Justice (2013) in the Netherlands, first-responders can also be considered to be victims. This group could also experience physical or mental harm or disturbance directly caused by a criminal offence, but remains excluded from the European directives until now. Because a terrorist attack is considered to be an attack at society, definitions on *regular victims* and *victims of terrorism* are likely to differ from each other. All member states in the European Union are given some room in their own interpretation, as long as the minimum standard is met.

The definition of victim remains contested, but there are some similarities and differences between the abovementioned approaches. The definition in the Netherlands is somewhat broader with the artificial persons to be defined as a victim as well. In some circumstances also first responders can be considered a victim. Because some parts of Directive 2012/29/EU have already been implemented in the Netherlands, such as the individual assessment by the police when a victim declares a crime, it is expected that a similar definition of the victim is used in the Netherlands by the experts (Ministry of Security and Justice, 2017). It is expected that European countries differ from each other in their definition of victims. Because the United States is not bound to European guidelines, it is expected that they have a different definition of a victim.

2.1.2 European regulations on compensation

In 2005, the Committee of Ministers of the Council of Europe (2005) has adopted guidelines on the protection of victims of terrorist attacks. Directive 2004/80/EC states that Member States should ensure fair, appropriate and timely compensation for victims of violent intentional acts. Compensation should be

easily accessible to victims, irrespective of nationality. When compensation is not made available by the perpetrators or sponsors of terrorist attacks, the State is expected to contribute to the compensation of victims. The guideline does not mention a strict timeframe in which victims should be compensated (The Council of Europe, 2005).

Member States have to ensure that the victims of terrorism have access to long-term emotional and psychological support, including assistance in their residing country, even in cross-border situations (Directive 2015/0281). Also when a Member State is confronted with international victims, they should receive assistance where they live. Directive 2012/29/EU mentions that victims of terrorism have suffered from an attack at the whole society and therefore they need specific attention and support.

With the implementation Directive 2012/29/EU on the minimum rights of victims, differences between European member states on victim rights should diminish because all member states are expected to meet the same standards. Therefore, the expectation is that the United States of America are more likely to differ from the European rules on compensation. In case a terrorist attack occurs in the Netherlands also first-responders may be eligible for a compensation if they are entitled as a victim.

2.1.3 Welfare states

State compensation can be justified on different grounds, i.e. from a humanitarian and social welfare idea, but also from an idea that the government has failed to prevent people to become victim of a crime (Shapland, 1984; Burns, 1980; Elias, 1984). The general idea of compensation is explained with incorporating the developments and classifications in *welfare states*, a concept that gained its attention from Esping-Andersen (1990). Esping-Andersen (1990) distinguishes a three-type typology in welfare states.

Esping-Andersen uses the *de-commodification index* to express the extent to which the state takes measurements to provide care for its citizens to make them less dependent of market processes. Liberal welfare states have the lowest decommodification index and are considered to be individualistic with a strong free market mechanism where the state maintains social benefits at a low level and the rights of citizens are limited to protect the market-mechanism (Arts and Gelissen, 1999; Wolters and de Graaf, 2005). The United States of America is considered to have a *liberal* welfare state (Scruggs and Allan, 2006; Esping-Andersen, 1990).

Within a conservative-corporatist welfare state there is a limited amount of decommodification, but it is considered to be higher than in the liberal welfare state (Arts and Gelissen, 1999). The corporatist part in this welfare state encompasses protection of professional groups and employee unions with insurances that only account for certain professions (Wolters and de Graaf, 2005). In the typology of Esping-Andersen (1990). Belgium, Germany and France are considered to have a *conservative-corporatist* welfare state.

The third type is the universalistic or social-democratic welfare state. (Arts and Gelissen, 1999). It is considered to have the highest decommodification in which the state is characterized by an extensive

system of social security and social benefits. According to Esping-Andersen (1990), the Netherlands can also be considered to be a universalistic welfare state, but Arts and Gelissen (1999) would characterize the Netherlands to be a hybrid type of welfare state, as a combination of a universalistic welfare state and the conservative-corporatist welfare state.

Depending on the ideology and related welfare state of a country, different actors are in charge of the compensation schemes. In social democratic welfare states, the government is most likely to coordinate the compensation fund as a sign of solidarity and as a means to guard uniformity (Letschert, Staiger and Pemberton, 2010). In such a welfare state, the governmental responsibility will be the highest to take care of the citizens and victims in that country. In liberal welfare states coordination will be more dispersed because citizens will have individual coverage with insurance-based solutions. Governments will implement solutions that align with their idea of welfare states. Specifically for victims of terrorism, the United States of America will have the lowest governmental coverage because from a liberal point of view, victims are expected to cover themselves via insurances. Victims of terrorism are expected to receive more coverage in France, Belgium and Germany because the typology of welfare states suggests that governments take a larger responsibility in the conservative-corporatist and the social-democratic welfare state. Nevertheless, it should be noted here that countries can switch in welfare states overtime and that the typology may not be extensive.

Tyler and Thorisdottir (2003) argue that especially in cases of terrorism, it is plausible that the government feels responsible to prevent and stop attacks with terrorist motives. Moreover, they state that a terrorist attack can be considered to be an attack to society as a whole, so a collective response from the government is logical (Tyler and Thorisdottir, 2003). State compensation can be justified if the state has not protected its citizens from the risks of becoming a victim of a crime (Burns, 1980; Shapland, 1984). From that perspective it is questionable if the typology of welfare states would be an explanation. An attack at itself would create governmental responsibility, in all of the aforementioned welfare states.

Albrecht and Kilchling (2007) have stated that there are different models at stake in compensation of victims. They mention a model that provides full compensation, primarily based on laws, and another model of social welfare that is subject to the principle of subsidiarity. Additionally, they make a distinction between states that offer '*one-off*' payments and states that offer regular monthly and annual payments. These *one-off* payments are also known as *single payments* or *lump-sum payments*. It is questionable whether a single, one-off payment is sufficient to satisfy the needs of victims of terrorism. Especially for victims of terrorism, a solidarity-based compensation scheme for multiple years can be seen as problematic as well because victims keep getting remembered to the offence (Albrecht and Kilchling, 2007). Furthermore, regular monthly or annual payments could make compensation a very costly enterprise.

From a liberal perspective, it is expected that the United States expects their citizens to protect themselves against risks like terrorism with private coverage. From the conservative-corporatist approach, the French are expected to have implemented a compensation scheme that emphasizes lifelong

coverage of costs, since France is considered to have one of the best coverages for pensions (Bambra, 2005). The Belgian system will be similar to the French system because their decommodification indexes do not differ much from each other (Bambra, 2005). Germany scores relatively high on sickness benefits (Bambra, 2005) and it is expected that their compensation scheme concentrates on a conservative-corporatist approach and more focus on covering health-care costs.

The expectation is that the experts will prefer a system in the Netherlands that combines different coverages because that is what characterizes the universalistic welfare state. Particular attention is paid to the views, ideas and beliefs on which the Netherlands could organize their policy. The expectation is that experts in the Netherlands will prefer to have coordination from the government to minimize inequalities and guard uniformity.

2.2 Meso-level

In the introduction of this chapter, the meso-level has been referred to as social institutions that are made up of individuals, such as families and communities (Schillo, Fischer and Klein, 2001; Faist, 2010; Falk and Kilpatrick, 2000). Powers (2004) refers to the meso-level as organizations of individuals. Next to the governmental response after a terrorist attack in compensation victims of terrorism, it is also necessary to look at the initiatives of societal organizations in shape of charity.

Bekkers and Wiepking (2010) have identified that an *awareness of need* for victims, *altruism* and *efficacy* are mechanisms that explain charitable donations from individuals. After the terrorist attacks in Paris and Nice initiatives were introduced to donate on behalf of the victims of the attacks (Fidelity Charitable, 2015). Charitable giving has occurred in the Netherlands after many victims were unable to receive enough compensation after major disasters and accidents. After the major pubfire that occurred in Volendam in 2001, the first financial needs of victims were covered through public and private donations (Zwagerman, 2001).

Looking at recent terrorist attacks in Paris and Nice, we have seen that society reacts to the seriousness of the attacks with particular initiatives to donate money to victims. If a terrorist attack occurs in the Netherlands it is also possible that private initiatives are set up to help victims that are in serious need of financial support. The *awareness of need* is likely to be high if there are a lot of victims that might be left in the cold after a terrorist attack. Efficacy relates to the degree that donors believe their contribution will make a difference for the cause they support. According to Bekker and Wiepking (2010), people are less likely to donate if they perceive that their donation will not make a difference. Another mechanism from Bekker and Wiepking (2010) considers that people may contribute money to charities because they care about the consequences of donations for beneficiaries.

Charitable donations are a way of social organization in which society can offer compensation to victims of general crimes. Recent terrorist attacks have shown the appearance of social movements that enable private donations to victims. It is expected that countries that have faced terrorist attacks, have had experiences with charitable donations. The expectation on the experts is that they will be positive to

give a role to charitable donations because of the societal impact a terrorist attack will have and the offered compensation might not be enough for the damage that has been inflicted.

2.3 Micro-level

Apart from the strict formal rights, victims also have certain needs that need to be fulfilled. This paragraph will pay attention to the needs of victims that should be taken into account to prevent secondary victimization. Ten Boom, Kuijpers and Moene (2008) distinguish emotional needs, informational needs, practical needs, financial needs and broad needs from the criminal proceedings. Practical needs generally concern the physical help in paperwork and medical help in processing the victimization. Because these practical needs are directly related to the other needs, the practical needs are not discussed separately.

2.3.1 Financial needs

Ten Boom et al. (2008) state that victims of crimes have a need for financial compensation for the damage that has been inflicted on them. Several authors seem to agree that there is a type of material financial compensation and a more vague type of compensation for immaterial or emotional damage (Shapland, 1984; Miers, 2014; Letschert and Ammerlaan, 2010; Mulder, 2013; Malsch and Carriere, 1999; Ten Boom et al., 2008). Victims of crimes expect recognition (Mulder, 2013; Kunst, Koster and Van Heugten, 2015) and justification from a compensation, but they also have economic goals to cover costs (Elias, 1984; Mulder, 2013). Different authors mention that the most common response to the harm of victims is to compensate them financially, either by the offender, with an insurance or by the state (Shapland, 1984; Letschert and Ammerlaan, 2010: 260-261; Miers, 2014). Compensating the victims in their financial losses and acknowledging their costs, compensation could prevent *secondary victimization*. This concept refers to further victimization due to unfair treatment by the criminal justice system (Andreescu, 2016).

A material reward is often considered a payment to *pay* for material damage, but also to compensate immaterial damage which translates into psychological and emotional suffering as a result of the offence (Malsch and Carriere, 1999). Victims are eligible to cover themselves against risks through insurance companies. After a terrorist attack, victims are likely to be confronted with direct costs due to the attack, for example medical expenses, mental health costs and property loss (Letschert, Staiger and Pemberton, 2010). A potential problem with terrorist attacks is that insurance companies might have excluded damage from terrorist attacks from their coverage. Victims may not have the opportunity to rely on their insurance, but may have to seek a solution from national funds.

2.3.2 Emotional needs

Victims also attribute a certain symbolic, immaterial function to the offered compensation, which may even be more important than the financial compensation (Shapland, 1984; Braithwaite, 1999; Malsch and

Carriere, 1999). This is also confirmed by a recent report of the COT (2017), which states that victims are primarily concerned with receiving recognition from social-work and welfare organizations, the community around them and the society. This offers them a moment to receive attention for the things they have experienced, a feeling of belongingness and acknowledgement of the harm that was inflicted (Miers, 2014). Next to that, victims need satisfaction in their sense of justice (Van Dijk, 2009). A key feature for victims of terrorism is the emotional damage and potential trauma's, which may not only require financial compensation. In case of terrorism, the need for emotional restoration might be even higher than with other crimes because of the collective nature of the attack. Victims of terrorism are attacked as representatives of a larger group and deliberately, and thus the emotional impact and chances for traumatic stress syndromes are higher (Pemberton, 2010). Mulder (2013) states that victims apply for a compensation because they hope the compensation would be a closure to their suffering.

According to Elias (1984) victim-compensation programs attempt to improve the attitudes of victims and reduce alienation by repaying the victim their losses. A large majority of victims was positive to the concept of victim compensation (Elias 1983, in Elias(1984)). A study from Mulder (2013) showed that 83% of her surveyed victims stated that the award of a compensation was an acknowledgement of the victimization. Erez and Tontodonato (1992) found that if a victim received restitution, they were significantly more satisfied with the sentence and the justice system. Earlier research states that the satisfaction of victims in the case had increased when the court ordered restitution from the offender to compensate the victim (Davis, Kunreuther and Connick, 1984).

Although the empirical background around the effects of compensation is still limited (Mulder, 2013), the abovementioned cases present that the general idea is that compensation has a positive effect on satisfaction and a feeling of justice. Next to just receiving financial means, victims indicated that they contribute symbolic value to the money they received and feel acknowledged as a victim (Mulder, 2013). The victims' need of being recognized as a victim can be achieved by granting a compensation, since that increases satisfaction with the justice system. It is expected that the experts mention the acknowledgement of victimization through financial compensation.

2.3.3 Informational needs

The informational need for victims of crimes involves information on the system, information on dealing with the victimization and general need for quick accessibility of information (Ten Boom et al., 2008). Linking the informational need to the financial need, victims may need information about the regulations, the conditions and the height of compensation. The height of compensation matters in satisfaction on the compensation process. Whereas victims have economic goals to apply for a compensation (Elias, 1984; Mulder, 2013), Mulder (2013) and Kunst et al. (2015) found that if victims from general violent crimes receive more money, they do not become significantly more satisfied about the compensation. Tyler and Thorisdottir (2003) also conclude that not a swift delivery of monetary

compensation is the primary interest of victims, but that victims are more interested in procedures that offer room for their input.

Differences in compensation schemes may occur between *regular* situations and *ad-hoc* situations, which does not justify the difference in what victims have experienced (Goldscheid, 2004). Goldscheid (2004) and Tyler and Thorisdottir (2003) explicitly refer to the case of 9/11 where everything was done to compensate victims from a societal level on an ad-hoc basis that showed major differences to regular compensation. Tyler and Thorisdottir (2003) state that a public explanation about the distributive and moral principles of establishing a fund will govern the expectations of victims in the amounts of compensation.

Differences in compensation between regular situations and ad-hoc situations may occur, which could lead to injustice to some victims. The sense of injustice could originate from an unequal compensation between *regular* victims and victims of terrorism (Albrecht and Kilchling, 2007). It is expected that victims receive different amounts of compensation in the different countries. Because terrorist attacks are considered an attack on society, it is expected that experts will prefer higher compensation for victims of terrorism in comparison to regular victims of crimes.

2.3.4 Needs from criminal proceedings

Generally, victims are in need of swift compensation (Ten Boom et al., 2008; Young, 2003). In special situations, such as child abuse, this need for swift compensation is much higher (Cobley, 1998). The idea is that financial award will offer solace for the inflicted damage, although it is debatable to what extent financial compensation can offer solace (Cobley, 1998). Mulder (2013) shows that the speed of granting the compensation depends on the moment the victim applies for a compensation. It is possible to make a distinction between different types of damages, such as physical traumas and emotional traumas.

Specifically for victims of a terrorist attack, the swiftness of compensation matters in several moments in time. Victims may experience physical traumas directly related to a crime, such as injuries and bruises for which they may require medical assistance (Victims of Crime, 2008). Swift and direct compensation for immediate medical costs is advisable (Pemberton, 2010). Damage such as Post Traumatic Stress Disorder (PTSD) may only occur after a few years, but it will change the lives of victims. Lessons learned by the London Bombings Relief Charitable Fund show that victims felt that compensation should be done *quickly* (Letschert and Ammerlaan, 2010).

It is also necessary to consider the influence of the way how compensation is granted. Within procedural justice, a victim may decide whether a situation is fair by considering the allocation procedures of amounts of money (Folger, 1977). Victims value procedural justice because it may offer them a voice in court and a fair decision-making process. Additionally, procedural justice gives victims the assurance that they are taken into consideration and receive a fair treatment (Van Camp and De Mesmaeker, 2014; Ten Boom et al., 2008).

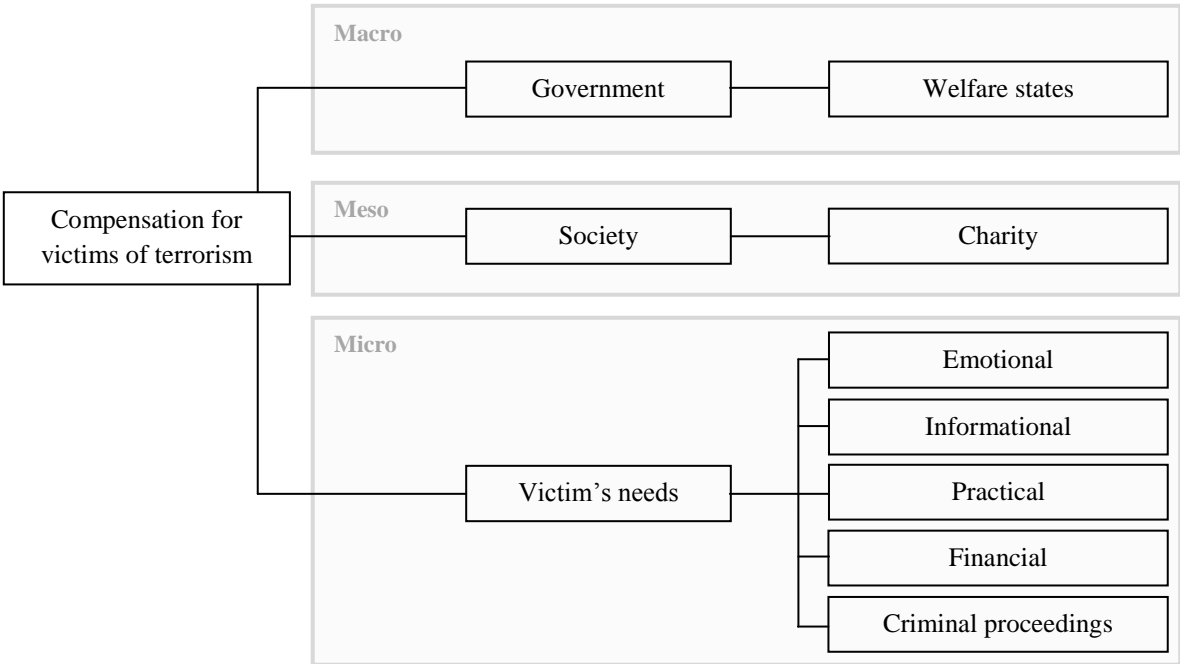
Because countries have room for own interpretations on compensating victim of terrorism, it is expected that the compensation schemes of countries differ from each other in material and/or immaterial compensation that is granted to victims (Albrecht and Kilchling, 2005; 2007). Victims value fair treatment from the judicial system. Due to the collectivity of a terrorist attack, the need for emotional restoration may be higher. It is expected that compensation schemes in countries prefer granting compensation shortly after the crime has been committed.

It is expected that the experts from the Netherlands will focus on the financial compensation because compensation is considered to be a financial ordeal (Mulder, 2013). Within the document analysis it is expected that member states predominantly grant material compensation and refrain from immaterial compensation since that is a concept which is hard to measure. Experts are expected to acknowledge the need for immaterial compensation, but they are also expected to recognize the difficulties in compensating immaterial damage. A central question is to ask experts if – and why (not) – immaterial damage should be compensated. It is expected that experts want to grant material compensation as fast as possible after the attack to cover victims in their costs.

2.4 Conceptual model

The conceptual model is presented in the figure below. From the overarching concept of *compensation of victims of terrorism*, the model has been split up in the micro-, meso- and macro-level of compensation which provide a structured insight in the concepts that are at play in this research. The subjects in the right section of the model will be used as a guideline for the topic-list and the interview-guide.

Figure 1: Conceptual model on the subject of compensation for victims of terrorism



CHAPTER 3: METHODOLOGY

Following from the first two chapters, the main aim of this research is to gain insight in the compensation of victims of terrorism in the Netherlands by analyzing and considering recent practices and cases of compensation in France, Germany, Belgium and the United States of America. A qualitative research with a document analysis and semi-structured interviews was best suited to understand and explain the way compensation schemes exist (Boeijs, 't Hart and Hox, 2009). The document analysis compared the compensation schemes of different countries. The interviews provide insights from experts on what the Dutch government could implement in their policy on compensation of victims of terrorism. This chapter focuses on the methodological considerations in this study.

3.1 Research methods

3.1.1 Document analysis

The document analysis was characterized by studying governmental websites, checking press-releases, policy documents, laws, legislations, annual reports and evaluations. Documents were collected based on the topic-list that can be found in Appendix B. Policy documents from organizations responsible for the execution of legislations were also studied for in-depth information. Examples of these organizations in the. *Snowballing* of references was used to find core arguments of certain policy decisions from documents. Overarching European Union documents were not always up-to-date. Therefore, the linkage to more recent documents from national governmental websites was essential. Due to time constraints, textual documents were not coded.

Documents were collected from the 1st of February 2017 until the 5th of June 2017. Simultaneously, the information from the documents was extracted and used in a new document. A table was constructed shortly after the first documents were analyzed in order to create an overview on the situation and practices in different countries. The document analysis was suitable to offer that comparison. Themes and topics were assigned during the collection of documents. In a few cases, topics were not suitable to be used, or new topics had to be introduced. If that occurred, previously found documents were checked again for that specific topic.

3.1.2 Interviews

Experts in the Netherlands were selected with a convenience sample based on their profession and knowledge. The complete list of experts with their organization name and length of the interview can be found in Appendix A. Experts from the Ministry of Security of Justice were personally approached to participate in this research. External experts were contacted by email, if they did not respond within the first week, they were contacted through telephone to ask if they were willing to participate. The expert from the Dutch Reinsurance Pool for Terrorist damages (NHT) was contacted directly through telephone.

Due to time constraints it was not realistic to interview foreign policy makers from Germany, France, Belgium or the United States of America.

Experts were recruited from 22nd of March until the 17th of May. During the interviews, experts were asked if they knew any other experts who would be willing to cooperate in this research. In total, 15 experts were approached and willing to participate in the interviews, which gives a response rate of 100%. Because of holidays, two experts agreed to participate in an interview a few weeks later. Fourteen of fifteen interviews were conducted in a one-on-one face-to-face interview. The last expert only agreed to be interviewed if he was allowed to take two of his colleagues. In transcribing that single interview the experts were all put in the same expert-number, yet they were assigned a letter behind the number. All experts were asked if they agreed on the presence of an audio-recorder and no expert objected to the use of the recorder. The complete list of experts can be found in Appendix A.

In order to include different perspectives in the interviews, experts were recruited from all kinds of organizations in the Netherlands. In total six experts were female and the other nine experts were male. Experts were selected on their knowledge about the subject and preferably with a perspective on the policy of the organization. Two experts were specifically selected because of their background in research and their ties to universities. Two experts were linked to lawyer firms that are specialized in assisting victims in filing their compensation through criminal proceedings. One of those lawyers was contacted for her doctoral research into insurance-related solutions. Experts from the Ministry of Security and Justice were selected because they were busy with the subject and had more knowledge of previous policy decisions. From the four experts of the Ministry of Security of Justice, two experts were coordinating policy advisors, one expert worked as legislator and one expert was regular policy advisor. The Dutch Victim Fund was approached to involve the perspective that includes private donations.

During the interviews the topic-guide was used as a guideline to ask the experts about their ideas, beliefs and arguments on certain subjects (full topic-guide in Appendix B). Experts were confronted with a situational question that was characterized by a short description of a particular situation. This method has similarities with a vignette question, where short stories are presented to experts (Ritchie et al., 2014). In this study it is best suited to present a situation to experts which makes reference to important points in studying perceptions, beliefs and attitudes (Hughes, 1998). This situational question made it possible to highlight positive and negative parts of certain compensation schemes of international countries and desired and undesired options for the Netherlands. The situation in each of the studied countries was presented to the expert in Dutch, translated from English (see Box 1 below).

Box 1: Situational text

France: The French system is characterized by a national insurance fund in which every citizen pays a levy which is put into a fund. There are initiatives to equalize victims of terrorism to victims of war, giving them the right for life-long compensation and reimbursement of costs. National solidarity is an

important reason to organize it this way. The government acts as a re-insurer if the fund is not sufficient.

Belgium: The Belgians did not have a compensation scheme for foreign victims of terrorism. Shortly after the attacks in Brussels, they have made it possible for foreign victims to request compensation for their suffering. They have made a statute that still has to pass Belgian Parliament that equalizes victims of terrorism to victims of war, giving them life-long rights to claim compensation, even for damage that occurs after years. Until further notice, the statute is not available for foreign victims.

Germany: In Germany, they compensate on the idea of social justice. Victims of an attack in Germany are eligible to claim compensation. Per case it is assigned how much someone will be compensated. The German approach states that the government is not fully responsible.

United States: The United States have organized compensation on state level, and after the attacks on 9/11 they have created a national fund based on solidarity. Money is caught from fines and forfeitures from criminals. After 9/11, almost 9 billion dollars was granted as compensation. For the United States it is unique that victims were eligible to claim for immaterial costs as well. In 2014, the fund reopened for damage that occurred later on in the lives of victims.

3.2 Themes and topics document analysis

This paragraph entails the different themes and topics that were used in the data collection and analysis of documents.

Background: The background of a fund in a country was the starting point for the document analysis.

Looking into the background information of country-wide funds lead to subjects and themes to which the countries were compared. This subject was particularly aimed at finding out the core arguments on choices in policy; why did that country organize it in that way, and not in another?

Eligibility: From the micro-perspective the subject of eligibility was aimed at checking who were eligible for a compensation after a terrorist attack. Additionally, this topic focused particularly at the eligibility for national victims and foreign victims.

Exclusion: The subject of exclusion focused on the specific damages that were excluded from compensation. As mentioned in the theoretical background, there is a difference between material and immaterial damage. The document analysis specifically paid attention to compensation for these two categories, as immaterial damage is difficult to determine.

Amounts: Mulder (2013) stated that the amount of money within a compensation does not really matter or a victim. In the document analysis there was attention to the amount of compensation that was offered to victims from different categories. The amount of money offered to a victim tells us something about the nature of the compensation, completely reimbursing the damage of a victim or only a partly compensation for inflicted damage.

Actors: The actors within a compensation fund gives information on the arena the discussion takes place. While performing the document analysis, looking for actors within funds caused the topic of insurance companies to be added to the comparison.

Funding: Funding of a compensation fund reveals the relationship between private and public resources. This subject is closely related to the coordinator below. Specific attention was paid to the resources

that sponsor a compensation fund for victims of terrorism. A fund with public and/or private resources offers valuable information on the role these two sides have in the debate.

Coordination: The coordinator of a compensation fund or regulations on compensation gives more information on the private vs. public role in compensation for victims of terrorism.

Insurance companies: The role of insurance companies was one of the subjects that was added in a later stage of the document analysis. According to the theory on welfare states, private insurance can be considered to be an indicator of liberalism.

3.3 Themes and topics interviews

In the previous chapter the micro-meso-macro model was introduced to explain the concept of compensation for victims of terrorism on different levels. The below-presented paragraphs show which parts of these subjects were submitted to the experts in the interviews. Because the interviews were semi-structured, the experts had the chance to incorporate new subjects as well. During the second-last interview, the subject of private insurance was mentioned as a potential approach for compensation for victims of terrorism. Unfortunately, the timing of this subject made it impossible to propose the idea to other experts and reflect on the desirability and feasibility of the approach.

3.3.1 Micro-level

Eligibility: This topic was used to ask experts who they view as victims of a terrorist attack,. The next question was an in-depth question on why certain definitions are used. The narrative on eligibility from experts in the Netherlands enabled comparison to definitions from other countries that originate from the policy documents.

Needs: Experts were asked what they saw as the needs of victims of terrorism, to check if the financial need was recognized by experts. The follow-up question was asking why experts included or excluded the financial need for victims of terrorism. Experts were also asked to what extent they thought victims should be compensated and what the effect of a compensation is for a victim.

Swiftmess: Experts were asked if they would prefer direct financial compensation or extended compensation for victims of terrorism. Moreover, experts were asked why they preferred that option. Follow-up questions involved extracting the thoughts and arguments of timing in compensation.

Insurance: Experts were asked what the role should be of insurance companies. A follow-up question focused on their situation between the societal responses (donations) and governmental solutions with victim funds. These questions provided more insight in the degree of *liberalism*, which can be found in liberal welfare states.

3.3.2 Meso-level

Society: Experts were presented with a question on the extent to which compensation should be the responsibility of the society. Specific attention was paid to the desirability of society-sponsored and

charitable funds. An in-depth question focused on the role the society should have in relation to state-organized solutions. Also, experts were asked to what extent the government should participate in charitable funds and private actions.

3.3.3 Macro-level

A follow-up question on the situational question consisted of a why-question focusing on advantages and disadvantages in the presented situations. The follow-up questions involved asking experts what should be expected from the Netherlands in compensation for victims of terrorism.

State responsibility: specific attention was paid to the state responsibility when offering compensation for victims of terrorism. If the expert had not mentioned the role of the state yet, this was asked more explicitly. An in-depth question focused on the way the two responsibilities of state and society could be combined.

Coordination: The coordination of compensation for victims of terrorism is closely linked to the topic of state responsibility. Experts were asked on which theoretical arguments they believed the government or another organization should be the coordinator. An in-depth question focused on what the experts viewed as differentiating factors in compensation for victims of terrorism between the Netherlands and the other compared countries.

Policy: The final questions for the experts focused on the policy-design for the Netherlands. Experts were presented with questions on what characterizes the Dutch policy on compensation for victims of terrorism. Additionally, they were asked which features should be implemented in Dutch policy and why these features should be in Dutch policy. Finally, experts were asked which challenges they recognized concerning policy for compensation for victims of terrorism.

3.4 Reliability and validity

Reliability of a research is determined on the degree that the research is free of accidental mistakes (Verhoeven, 2011). The reliability of a research rises when it becomes possible to repeat a research under different circumstances and the same results are acquired. The use of audio recordings for the transcription of the interviews plus the combination of data collection and data coding simultaneously has improved the reliability of this research (Verhoeven, 2011; Boeije, 't Hart and Hox, 2009).

Validity refers to the degree the research is free of systematic mistakes and the degree to which the results show what we wanted to measure before starting the study (Verhoeven, 2011). Internal validity refers to the extent to which causal statements that are formulated find support within the study whereas the external validity concerns the extent to which the obtained results in the study can be generalized (Ritchie et al., 2014; Verhoeven, 2011). With qualitative research it is also important to address the extent to which the subject of study is accurately reflected. The combination of insights from professional policy advisors and the perspectives of science offer valuable insights for other countries that face the same situation as the Netherlands.

The interviews were recorded with a voice recorder and were transcribed into a textual document, which made it possible to execute analyses. The experts were interviewed in Dutch, the transcript of the interviews was made in Dutch and the coding was done in Dutch with NVivo. However, the result section is written in English. Therefore, the Dutch codes were translated into English, which can be found in Appendix C. This posed challenges in the way terminology was translated, because the Dutch to English translation might mitigate the nuances made in Dutch.

3.5 Analysis

The analysis of the data was executed with NVivo version 11, a software package suited to organize, analyze and find insights from unstructured data, such as from qualitative semi-structured topic interviews (Bazeley and Jackson, 2013). Priest, Roberts and Woods (2002) refer to three categories of coding: open coding, axial coding and selective coding. In the first phase, the data in this research was open-coded aimed at identifying first level of concepts. The second phase was characterized by axial coding, in which the differences and similarities between experts in their answers were extracted. Axial coding offers more precision by adding sub-categories to overarching concepts and topics and gives the opportunity to link the empirical findings to the theoretical background (Priest, Roberts and Woods, 2002; Verhoeven, 2011; Bryman, 2016). In the last phase of selective coding overarching core categories were assigned that represented a storyline in the interviews.

In order to create all the *nodes* and *categories* in NVivo, the first three interviews were coded shortly after the interviews. After transcribing the other twelve interviews, these twelve interviews were coded in the same timeframe to decrease chances of different interpretations between interviews. When specific subjects were mentioned in these twelve interviews, these nodes and categories were also assigned in the three previously coded interviews.

3.6 Ethical considerations

Within this research *informed consent* was used to inform potential experts about the research project before they got the opportunity to decide whether or not they wanted to participate (Boeije et al., 2009; Ritchie et al., 2014). Experts were informed about the aims of the research, a rough estimate of their investment in time and they were reassured of their anonymity throughout the study. Moreover, the potential experts were asked if they objected to registering their organization to their expert number. Additionally they were asked if they objected to an audio-recording of the interviews and they were told the audio-recording would not be distributed any further to third parties. The full transcriptions of the interviews were not shared with third parties and are only available upon request via the Ministry of Security and Justice. In this way, the confidentiality of the answers of the experts is guaranteed.

CHAPTER 4: RESULTS

This chapter highlights the results of the document study and the qualitative interviews with experts. First, the results of the document study are discussed. Obtained results from international perspectives are combined into a table, where a comparison is made between *regular* situations of compensation and *specific* compensation to victims of terrorism. Then, a description of the Dutch approach of compensation for victims is provided. The last part of this chapter focuses on the results from the qualitative expert interviews.

4.1 Compensation of terrorism in a comparative analysis

In order to compare compensation schemes, several topics were used to characterize these schemes. Schemes are generally characterized by fulfilling several needs of victims: emotional needs, practical needs, informational needs, financial needs and needs in criminal proceedings. For every country, an analysis is made on the regular process of compensation, and also on the specific circumstances and regulations for victims of a terrorist attack. Detailed information on the funds of the aforementioned countries is placed in Appendix D. Table 1 on page 25 and page 26 offers an overview of the funds in the different countries and contains the same information as is mentioned in Appendix D.

The countries are listed in the columns and concepts that are compared are presented in the rows in order to create a quick overview. The most left column shows the way the aforementioned categories of needs are found within the compensation schemes. If there are multiple schemes within an country, they are presented in *italic*. This enables direct comparison between different schemes within a country.

The emotional need was argued to entail receiving recognition and acknowledgement from social-work organizations, the government and the society (Ten Boom et al., 2008). Different views arised on the emotional needs. Countries all have a different starting point for their compensation scheme. Solidarity returns in two of the countries and providing a feeling of justice is also The United States of America (from here: USA) depart from a perspective of compassion and France and Belgium put more emphasis on the collective solidarity for the victims. Germany seems to have the smaller amount of collectivity, as they do not feel full responsibility for the government. The USA, France and Belgium have all constructed specific funds or regulations for victims of terrorism. The expectation that countries have organized compensation for victims of terrorism from a different starting point is confirmed.

It was expected that countries that had been confronted with a terrorist attack would have experiences with charitable donations. This expectation is confirmed. Furthermore, the comparison shows that the amount of money that was donated differs per country. The amount of charitable donations was the highest in the USA, followed by France and Germany. Unfortunately, Belgian and German governments have not disclosed official amounts yet. Looking at charitable donations, the USA

has collected the highest amount of money, followed by France, Germany and Belgium. The societal acknowledgement of the emotional need is the highest in the USA, and lowest in Belgium.

The practical need of victims was said to encompass physical help with filing claims and filling out forms to claim damage (Ten Boom et al., 2008). Because these practical needs were directly related to the other needs, it was not specifically argued in the theoretical background. From a practical point of view, it is important for victims to know who they may contact for compensation. Although it is very closely related to informational needs, the practical need is used here to show to which organizations victims may turn to. The results of this study show that the actors that are the victims can generally turn to the government for compensation. The insurers are first point of contact in all of the compared countries. When a national fund is contacted, the approaches of the countries differ from each other. Although it was expected that the USA would have the highest private coverage of costs through insurance companies, this expectation is not confirmed. The compared countries are similar in their role of the insurance company.

Ten Boom et al. (2008) consider the informational need to entail information on regulations, the conditions and the height of compensation. Primary victims are eligible for compensation in all of the countries. Direct family, spouse and relatives of a deceased victim are eligible for compensation in the compared countries. The German eligibility is the broadest because they view everyone who has suffered from damage on German soil as a victim. Regulations show that countries use conditions to determine who is eligible for a compensation after a terrorist attack. For foreign victims, the conditions are most unclear in the USA because eligibility differs per state. In the other countries, foreign victims can apply for a compensation. In Belgium, regulations and conditions are broad. The conditions need to be changed in order to entitle victims of terrorism to receive acknowledgement from the statute. In contrast, the French counterpart ONACVG has enabled foreign victims to claim entitlement as victim of war.

Looking at the damages that can be compensated, the USA has the broadest coverage of costs and Germany the lowest coverage on categories of damage. France and Belgium are alike in their coverage of damages, albeit that the coverage of ONACVG in France is larger than its counterpart in Belgium. The lower coverage from the German system might have something to do with the starting point of not acknowledging full responsibility for the government. In all the countries the government plays a large role in granting claims to victims, either for regular crimes or terrorism.

Concerning the coverage of re-insurance companies, victims may need information on the coverage of their insurer. The USA has the highest coverage of reinsurance followed by France, Germany and Belgium. The governmental involvement is higher in France with an unlimited coverage from the government, compared to Germany with a governmental coverage up to eight billion euro and Belgium lowest total coverage and the lowest governmental coverage.

Table 1: Comparison of foreign countries on their compensation schemes

		USA	France	Belgium	Germany
Need ↓					
Emotional	Background	<p><i>Compassion, justice, healing</i></p> <ul style="list-style-type: none"> ▪ <i>Regular</i>: reimburse damage ▪ <i>9/11</i>: strong feeling of compassion. ▪ <i>ITVERP</i>¹: promote justice and healing 	<p><i>National solidarity</i></p> <ul style="list-style-type: none"> ▪ State responsibility for FdGTI² and ONACVG³. National solidarity and recognition as a task for the general interest. 	<p><i>Collective solidarity</i></p> <ul style="list-style-type: none"> ▪ <i>Regular</i>: Lowering damage through collective solidarity. ▪ <i>Statute</i>: victims of terrorism are victims of war. National solidarity and national recognition. 	<p><i>Social justice</i></p> <ul style="list-style-type: none"> ▪ Social justice as a task of the State, but the State does not have full responsibility.
	Charitable donations	<p><i>Very high</i></p> <ul style="list-style-type: none"> ▪ <i>9/11</i>: over \$1 billion raised 	<p><i>High</i></p> <ul style="list-style-type: none"> ▪ Over \$2.4 million raised. 	<p><i>Low</i></p> <ul style="list-style-type: none"> ▪ \$57 817 raised through GoFundMe. ▪ No official numbers from the Belgian Red Cross. 	<p><i>Moderate</i></p> <ul style="list-style-type: none"> ▪ £170 000 raised for family of killed driver ▪ No official numbers known yet.
Practical	Actors	<p><i>Government/victim support/insurance</i></p> <ul style="list-style-type: none"> ▪ <i>Regular</i>: Crime Victims Fund (CVF), Victims of Crime Act (VOCA), Victim support organizations ▪ <i>9/11</i>: Special Master to grant claims, 9/11 Fund, US Department of Justice ▪ <i>ITVERP</i>: US Department of Justice, OVC (Office for Victims of Crime). 	<p><i>Government/medical personnel</i></p> <ul style="list-style-type: none"> ▪ <i>FdGTI</i>: Medical personnel to examine harm and injuries. The FdGTI grants claims. Different organizations are linked that offer support. ▪ <i>ONACVG</i>: A commission will look at the request. 	<p><i>Government/victim support/insurance</i></p> <ul style="list-style-type: none"> ▪ The State fund for victims ▪ Insurance companies 	<p><i>Government/victim support</i></p> <ul style="list-style-type: none"> ▪ The State ▪ The <i>Länder</i> (federal states) where the crime has been committed ▪ Victim Support (Opferhilfe)
	Insurance	<p><i>First contact</i></p> <ul style="list-style-type: none"> ▪ <i>Regular</i>: Insurers first contact, state next ▪ <i>9/11</i>: Insurance first point of contact. ▪ <i>ITVERP</i>: covers only when costs cannot be covered through insurance. 	<p><i>First contact</i></p> <ul style="list-style-type: none"> ▪ <i>FdGTI</i>: Citizen levy is placed into the FdGTI. Property damage is covered through insurers. No exclusion clauses. ▪ <i>ONACVG</i>: same as FdGTI above. 	<p><i>First contact</i></p> <ul style="list-style-type: none"> ▪ Insurers first contact 	<p><i>First contact / unclear</i></p> <ul style="list-style-type: none"> ▪ Unclear whether or not a full compensation will be granted after the insurer has provided with financial support.
Informational	Eligibility	<p><i>Narrow</i></p> <ul style="list-style-type: none"> ▪ <i>Regular</i>: Primary victims and family of deceased victim. ▪ <i>9/11</i>: Primary victims, secondary victims and rescue workers. ▪ <i>ITVERP</i>: US nationals, victims plus spouse, parents, children, siblings or a representative of the victim. 	<p><i>Broad</i></p> <ul style="list-style-type: none"> ▪ <i>FdGTI</i>: Primary victims and relatives. ▪ <i>ONACVG</i>: Victims of terrorism may claim a label as ‘victim of war’, also relatives, widow(er) and spouse. 	<p><i>Broad</i></p> <ul style="list-style-type: none"> ▪ <i>Regular</i>: Primary victims and relatives. Some circumstances, also rescue workers. ▪ <i>Statute</i>: Belgian victims. 	<p><i>Very broad</i></p> <ul style="list-style-type: none"> ▪ Any person on German territory (vessel or aircraft) who suffered damage. ▪ Primary victims and relatives, widow(ers) and spouse are allowed to file financial claim

¹ International Terrorism Victim Expense Reimbursement Program (ITVERP)

² Fonds de Garantie des victimes des actes de Terrorisme et d’autres Infractions (FdGTI)

³ Office National des Anciens Combattants et Victimes de Guerre (ONACVG)

Informational	Foreign victims	<i>Under circumstances</i> ▪ <i>Regular</i> : Differs per state. ▪ <i>9/11</i> : yes ▪ <i>ITVERP</i> : no, only for US nationals	<i>Yes</i> ▪ <i>FdGTI</i> : Yes ▪ <i>ONACVG</i> : Yes, under circumstances.	<i>Yes</i> ▪ <i>Regular</i> : yes ▪ <i>Statute</i> : no(t) (yet)	<i>Yes</i> ▪ Yes
	Inclusion	<i>Very high</i> ▪ <i>Regular</i> : Differences exist between states. ▪ <i>9/11</i> : Economic (financial expense) and non-economic (e.g. pain and suffering) ▪ <i>ITVERP</i> : medical expenses, mental health costs, funeral and burial costs.	<i>High</i> ▪ <i>FdGTI</i> : Full compensation for bodily harm. ▪ <i>ONACVG</i> : Range of medical costs covered. For children <21 years coverage for missed years of education. In certain circumstances pensions granted.	<i>Moderate/High</i> ▪ <i>Regular</i> : Moral damage, medical expenses, procedural costs, material expenses and missed revenue due to disabilities. ▪ <i>Statute</i> : life-long pension for medical and psychological costs.	<i>Low</i> ▪ Medical treatment, funeral allowance and other welfare benefits, such as long-term care benefits and subsistence allowances (BMAS, 2016b).
	Exclusion	▪ <i>Regular</i> : Differences exist between states. ▪ <i>9/11</i> : Individuals who only suffered from emotional distress ▪ <i>ITVERP</i> : attorney fees, pain suffering, loss of enjoyment of life, lost wages	▪ <i>FdGTI</i> : Material damage is covered through insurance companies. ▪ <i>ONACVG</i> : Material damage is not covered.	▪ <i>Regular</i> : psychosocial help, because that is part of the usual help. ▪ <i>Statute</i> : compensation which is granted by other sources	▪ Pain and suffering are excluded from compensation. ▪ Damage to property or financial loss
	Re-insurance coverage	<i>Very high</i> <i>TRIA</i> ▪ Maximized at \$100 billion per year.	<i>High</i> <i>GAREAT</i> ▪ 1 st layer of €400 million covered by reinsurer ▪ 2 nd layer of €1.9 billion covered internationally ▪ 3 rd layer above €2.3 billion unlimited coverage by government	<i>Low</i> <i>TRIP</i> ▪ 1 st layer of €700 million covered by reinsurer ▪ 2 nd layer of €300 million covered by government	<i>High</i> <i>Extremus Versicherung</i> ▪ 1 st layer €2 billion covered by reinsurers ▪ 2 nd layer €8 billion covered by government
	In charge	<i>Government</i> ▪ <i>Regular</i> : state governments . ▪ <i>9/11</i> : national funding through the government. ▪ <i>ITVERP</i> : the national government.	<i>Government</i> ▪ <i>FdGTI</i> : Board of members. State acts as last resort. ▪ <i>ONACVG</i> : State coordinated.	<i>Government</i> ▪ <i>Regular</i> : The Commission for Financial Aid to Victims of Deliberate Violent Attacks and Occasional Rescuers is allowed to permit claims..	<i>States/government</i> ▪ First, the Länder. If the victims is not a regular citizen, the State.
Financial	Amount	<i>Very high</i> ▪ <i>Regular</i> : Total of \$450 million annually. ▪ <i>9/11</i> : Total payout 9/11 fund: \$7 billion up to 2004. ▪ <i>ITVERP</i> : Total payout since 2007, \$1.4 million.	<i>High</i> ▪ <i>FdGTI</i> : Total payout after attacks in Paris and Nice about €300 million. State acts as reinsurer. ▪ <i>ONACVG</i> : unknown.	<i>Low</i> ▪ <i>Regular</i> : Detailed amounts, see Appendix D, no total amount known. ▪ <i>After Brussels</i> : From the interviews: €130 million has been reserved, 85% bodily damage, 10% material damage and 5% moral damage.	<i>Unknown</i> ▪ Offered compensation depends on situation. No total damage coverage known.
Criminal proceedings	Contributors	<i>Offenders/government</i> ▪ <i>Regular</i> : OVC, fines and forfeitures ▪ <i>9/11</i> : Government, citizens (tax revenue). ▪ <i>ITVERP</i> : Fines and penalty assessments. ▪ Criminals	<i>Citizens/government</i> ▪ <i>FdGTI</i> : Collective levy through insurance policies. ▪ <i>ONACVG</i> : The state. ▪ Collective citizens	<i>Offenders/government</i> ▪ <i>Regular</i> : People who have committed a violent crime contribute to the fund. ▪ <i>Statute</i> : The state. ▪ Criminals	<i>Länder/government</i> ▪ The Länder (states) and the national state. ▪ If the victim is no regular citizen, federal national government will compensate fully. ▪ The government

In the theoretical background Ten Boom et al. (2008) argued that victims have a financial need after an offence. All countries acknowledge that there is a financial need for victims. There are large differences in payouts between the countries. The United States of America has the highest payout from the 9/11 Fund. Although the amount of victims was higher after the 9/11 attacks, the government decided to offer full compensation, also for pain and suffering. From the interviews it has become clear that Belgium has a low payout, but it is expected that the total payout will rise because not all claims have been granted yet. Furthermore, the government of the USA has established the highest amount of dedicated programs for victims of terrorism. The expectation on the welfare states stated that the USA would have the lowest governmental involvement, below France, Belgium and Germany. This expectation is not confirmed. The USA has shown to have the highest governmental involvement after the attack on 9/11.

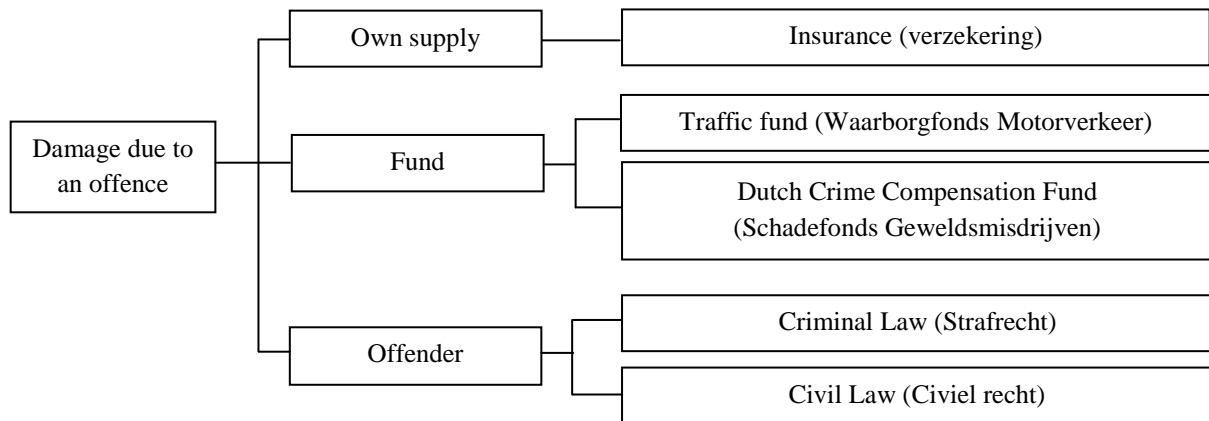
Ten Boom et al. (2008) considered the need of victims from criminal proceedings to include swift compensation after an offence. Combined with the informational need, victims might to know where the money comes from. In the USA and in Belgium criminals contribute to the fund that compensates victims of crimes. In the situation of the USA, forfeitures and fines are the primary source of income for the fund. Almost similar in Belgium, criminals who have committed a violent criminal act are obliged to pay a dedicated amount of money to the victim compensation fund in Belgium. France departs from a more collective approach and charges every citizen with a levy on an insurance agreement that is put into the collective fund. It appears that the Germany and France depart from a more collective governmental approach in comparison to the USA and Belgium. The expectation that France would have the highest governmental coverage is confirmed by the results from the document analysis.

4.2 Compensation – The Dutch approach

Although different countries have developed specific regulations for a compensation scheme for victims of terrorism, a specific compensation scheme for victims of terrorism is not present in the Netherlands. Therefore, it is essential to describe and characterize the current approach of the Netherlands that might also concern victims of terrorism. In the expert interviews and in policy-advice question, attention is shifted to the possible changes to current policy in the Netherlands.

If someone would become a victim of an offence in the Netherlands, there are several routes a victim can take to claim compensation. In the Netherlands several parties connected to compensation of victims: offenders, the insurance companies, and the state or the government (Schrama and Geurts, 2012; Kool et al. 2014). The below presented figure is an English translation of the model that was presented by Kool et al. (2014) in their study, in which they combined it with insights of Schrama and Geurts (2012).

Figure 2: Visual representation of the compensation process in the Netherlands (Kool et al., 2014)



Kool et al. (2014) mention that the victim in the Netherlands has different options on where to access compensation for the damage that has been inflicted on them. First of all, victims can cover themselves at *own supply* against damage with insurance companies. Second, it is possible for victims to claim compensation with different *funds* in the Netherlands, i.e. the guarantee fund for vehicle offences (In Dutch: Waarborgfonds Motorverkeer) and the Dutch Crime Compensation Fund (In Dutch: Schadefonds Geweldsmisdrijven). The third and final route for compensation is the more classical way to recover the damage and loss from the victim at *the offender*, either via criminal law or by civil law, but only if the offender is known. As mentioned in the theoretical background it was argued that insurance companies may exclude damage from a terrorist attack from their coverage. Taking a small preview to the results from the interviews, stated that exclusion clauses for terrorism are not common, but that it all depends on your own coverage with your insurer. TO prevent exclusion clauses, a re-insurance company was founded in the Netherlands (NHT) that covers damages due to terrorist attacks up to €1 billion each year for insurance companies (NHT, 2007).

In judiciary terms, there are several steps a victim (or a relative of a victim) could take to receive a compensation for the inflicted damage (Schrama and Geurts, 2012). First, the police could try to arrange a compensation between the victim and the offender. If that fails, the public prosecutor is allowed to construct a transaction proposal within the case of criminal law. When such a transaction is unsuccessful as well, the victim is allowed to enter the criminal law case with a civil lawsuit to claim the inflicted damage on the offender (Slachtofferhulp Nederland, 2011). If the criminal judge decides that an order for damages is assigned to the offender, the judicial debt-collection agency (In Dutch: CJIB) is assigned to collect the claim which was assigned by the judge at the offender (Schrama and Geurts, 2012). If it turns out the offender can't realize the financial compensation because he does not have enough financial resources, the State will pay out the imposed compensation after eight months have passed since judgement (ibid.). The state acts as a *last resort* in allocating the compensation to the victim from a perspective of solidarity.

After a terrorist attack it is often very difficult to claim compensation directly at the offender, since he or she might have taken his own life during the terrorist attack or no financial means are available to cover all inflicted damage. It is also possible that the offender is not found and thus the damage can not be addressed at the offender. Therefore, asking the offender to compensate inflicted damage of victims is considered to be a very hard ordeal. From Victim Support Netherlands, victims receive advice on the grounds where they are likely to obtain a compensation for their damage (Slachtofferhulp Nederland, 2011; 2013).

In the Netherlands, it is possible to get compensation for material damage such as the value of missing or stolen goods, medical expenses and loss of income due to being not able to work. The immaterial damage is much harder to define, since that encompasses the *subjective* grief, the pain and experienced fear due to the offence (Slachtofferhulp Nederland, 2011). The Dutch Crime Compensation Fund only acts and uses cases in which the offence has taken place in the Netherlands, which excludes Dutch victims that were victimized during a terrorist attack in a foreign country. Nevertheless, it is possible for native and foreign victims that were victimized in the Netherlands due to a terrorist attack, to pose a claim at the Dutch Crime Compensation Fund (Lindenbergh, 2016).

4.3 Results interviews

This paragraph focuses on the results from the interviews. The macro-perspective, meso-perspective and micro-perspective will receive attention, after which the policy ideas of experts are presented.

Previously we have seen that governments in European countries and the United States of America have different procedures for victims of terrorism. The expert-interviews have shown that the governmental responsibility in such a situation is surrounded by many advantages and disadvantages for government involvement. More than half of the experts stated that a political choice should be made on the underlying mechanism, preferably before an attack takes place in the Netherlands. From one perspective compensation from the government arises from the general idea that the government has failed to protect her citizens and is therefore responsible to compensate the damage of the citizens.

Other experts argue that a terrorist attack creates the responsibility of government involvement because the attack is aimed at striking the society. If the government acknowledges the victimization of victims after a terrorist attack, that would be a great sign of solidarity. On the other hand it is possible that making government involvement an obligation might take away the private initiatives to support victims of terrorism.

One of the countries that establishes a great role for the government in compensating victims of terrorism is France. The French government is mentioned as the most far-reaching system where victims are compensated from a governmental fund and also have the opportunity to receive an acknowledgement as a victim of war. Experts disagreed about this kind of system, because it becomes very difficult to determine in why victims of terrorism are worse-off than victims of regular crimes.

On the other hand, experts were positive about the gesture of the French system. After the attacks in Brussels in Belgium, we have seen that the payments for victims were raised. Eligibility for compensation for first-aid workers was seen as a positive development.

Looking at the approach from the United States of America after the attacks on 9/11, contrasting opinions were found. Negative arguments involved the *staggering* amounts of money that were offered in a compensation. Also, experts stated that it is not possible to compare European countries to the United States of America in compensation after a terrorist attack. The standards for reimbursement of costs are already higher in regular cases and after the attacks on 9/11, the situation became more exceptional. Experts mentioned that the difference between the compensation for victims in these countries might have different reasons, such as cultural reasons, historical reasons, the initiator for new regulations, the political climate and previous experiences with terrorist attacks.

A frequently heard theme is that it is hard to decide why a victim of a terrorist attack should receive other treatment in comparison to victims of regular crimes. Several experts state that a political choice should be made in granting exceptional reimbursement. Asking experts what makes a victims of a terrorist attack exceptional, they mentioned several factors that influence the decision-making process on compensation for victims of terrorism: the principle of equality, the opinion of the House of Representatives, societal indignation, the opinion of the public and the way the media portray the attack. Victims of terrorism could be entitled to receive extra compensation because they are often not able to claim their damage at the offender or their insurance coverage may not be sufficient. On the one hand, one could make an exception for victims of terrorism because of the combination of factors. On the other hand, to prevent indignation from *regular* victims that feel less acknowledged than victims of terrorism, a majority of experts argues that victims of terrorism should not receive more compensation.

Several experts refer to the governmental role after the plane crash of MH17 that occurred in 2014. To illustrate the governmental role after the plane crash, box 3 elaborates on the actions that were taken in the situation of MH17. Box 2 represents the other end of the spectrum, where the governmental role was limited in comparison to the governmental responsibility after MH17.

Box 2: Victimization of terrorist attack outside Europe

On the 27th of January 2015 a Libyan branch of Islamic State committed a terrorist attack on a hotel in the Libyan capital Tripoli. Dutch civilians were in the hotel at the moment the attack occurred. Because they were victimized in a foreign country, they were not eligible to claim compensation for their damage in the Netherlands and the Libyan authorities were not able to grant compensation to victims. Thus, these victims did not receive any compensation. After two years, Victim Support Netherlands made an exception and granted a minor reimbursement of €500,- to these victims.

Box 3: Governmental reaction after MH17

In July 2014, airplane MH17 was shot down above Ukraine (Williams, 2016). Regardless of the causes of the plane crash, relatives of victims wanted a financial reimbursement for their damage. Relatives of victims have received compensation from Malaysian Airlines, but neither injury lawyers, nor the other organizations have released information about the amounts of financial compensation that were paid to relatives (Volkskrant, 2016).

In the aftermath of the plane crash, relatives of deceased victims experienced a positive feeling and sympathies from the governmental bodies, the Royal Family and the secretary of state (Torenvlied et al., 2015). The enormous media attention from the Netherlands and from foreign countries acknowledged the relatives as victims. Whereas the Dutch government was not directly involved in the compensation of relatives, the government took extraordinary actions in the aftercare. It is questionable if these actions can be justified in contrast to relatives of a deceased victim of a more *regular* crime. These relatives might not receive such attention and might not feel acknowledged as a victim which could lead to secondary victimization. Furthermore, the needs of these relatives might not be met.

Following from the outrage in society on a terrorist attack, it is possible that initiatives arise to privately donate charitable money to victims of terrorism. Experts disagree on the role of charitable money and how to deal with it. Difficulties may arise because charitable money is not bound to rules and is not anchored into policies and regulations. On the other hand, even though the phenomenon of charitable donations has been around shortly, it has shown its power after previous terrorist attacks. Experts feel that it is a mechanism that should not be blocked, but it should be clear what goal these charitable funds serve. Several experts argue that it is not a phenomenon that the government should rely on because that would create differences in the amount of donations between terrorist attacks and disasters. If charitable funds are gathered for a single cause, the experts agree that those funds should only be spread over victims with damage from that attack. Nevertheless it would be a great addition to the victims as a gesture from society instead of from the government.

According to the experts the charitable donations in the Netherlands could have several destinations. First, all collected charitable funds could be transferred to the Dutch Crime Compensation Fund and allocated on top of the offered compensation from that organization. An expert from that organization stated that they would not directly need that money, but that it would be a nice addition for victims. Second, experts stated that private donations could be transferred to a special foundation raised for that single attack. Third, it would be a possibility to directly transfer money to the Victim Support Netherlands in order to improve the victim assistance. At the same time, it is questionable if you would want to make fixed rules for charitable funds because the contributions are likely to differ between situations.

Almost all experts state that a financial compensation offers an acknowledgement of the victimization and the inflicted damage. The financial compensation may cover immaterial and material damage of victims, but determining the height of the compensation is complex because of the difficulty of estimating immaterial damage. Several experts mentioned that the amount of compensation only matters to a certain extent. If a compensation is a necessity for direct costs, victims want to have these costs covered. Views on the types of compensation ranged from a full compensation to a partial compensation. Some experts argue that the compensation should be a calculation based on the situation before the accident and the situation after the accident. If the difference between these situations is translatable into money, this is the compensation the victim should receive. On the other hand experts argue whether that is a realistic scenario. The current system is not aimed at providing full compensation, but only offering a contribution to cover the costs.

Considering the emotional needs of victims, experts state that compensation is not primarily about the money, but that victims will pose a claim if their primary needs of correct treatment, respectful treatment and practical help are not fulfilled. The emotional need of victims is therefore confirmed by in the expert interviews. The emotional need for acknowledgement and recognition is partly reached by receiving a compensation.

Looking at the informational need, victims need information on the eligibility, regulations and conditions surrounding a compensation scheme. Several experts agreed that it is difficult to determine who is a victim after a terrorist attack. The way victims should be defined depends on the situation during and after the attack. If an attack takes place in a distinct area, it will be easier to decide who is entitled as a victim. In an open area it will be more difficult because several categories of victims can be distinguished. A majority of experts agree that there are categories of victims that can be distinguished; witnesses, people with minor injuries, people with severe injuries and surviving relatives. The expectation that countries differ in their definitions of victims has been confirmed in this study. According to the experts, it is also difficult to determine who has the entitlement to apply for a compensation, because that it is also highly dependent on the situation. Experts suggest it would be an option to make first-aid workers eligible for compensation because of their experiences right after the attack. Enabling first-aid workers to apply for compensation would look more like the Belgian model that was presented in the document study.

The need for criminal proceedings was argued to encompass the swiftness of compensation and the fairness of a compensation. The experts were positive about quick compensation, because it covers direct costs and it immediately gives an acknowledgement of victimization. Also, receiving a quick compensation enables the victim to mentally close off their victimization. This probably will not be different for victims after a terrorist attack. Some experts mentioned that it is undesirable for victims to involve themselves into criminal proceedings against the offender of an attack because it might take years for victims to receive a compensation. Furthermore, it is possible the offender takes his own life during the attack, taking away the possibility to pose a claim at the attacker.

A majority of experts mentioned that the government and its bodies should offer clear communication and transparency about eligibility for compensation, the amounts of compensation and the procedures involved in claiming a compensation. They state that it is important to manage the expectations of victims and to mention that the compensation might not be enough to take away all damage that has been inflicted. It might only be a contribution to partly cover the costs. Moving on from the conditions of sharing arguments on policy choices, the next paragraph focuses on several options for policy that were found in the document study and the expert interviews.

Options on policy

Applying the aforementioned perspectives into a policy for the Netherlands has given several options on what the experts think we should or should not do in the Netherlands. However, the experts differ from each other in the underlying perspectives and ideas on compensation for victims of terrorism. A fundamental question is whether exceptions should be made for victims of terrorism in comparison to victims of regular crimes or victims of disasters.

They rather argue to review current options and increase our basic-level of coverage from the Dutch Crime Compensation Fund or ‘the Act compensation and damages during disasters and major accidents’ (from now: ‘The Act’). To interpret these policy ideas, background information was gathered in the document study of several studies which is presented in Box 4.

Box 4: Background information on ‘the Act’

The Act compensation and damages during disasters and major accidents was set up as an answer to cover insurance-related problems that occur after nature-related disasters. The Act was implemented in 1998 and has been used five times since then (Bisschop, Mulder, Middelburg and Letschert, 2013). Much of the damage that occurs after major disasters and accidents is covered by insurances, but there are situations where people are confronted with large losses. The Act can be used to help victims in situations where insurance does not offer enough coverage. At this moment the Act merely includes property damage, such as costs to houses and costs made to evacuate buildings and areas. It is not the intention to fully compensate victims, yet it is aimed to partly indemnify the victims for their costs.

Bisschop et al. (2013) and Engelhard and Rijnhout (2015) argue that the Netherlands should look into the option to extend the Act with personal damage. Personal damage is an umbrella term that contains bodily injuries and costs directly related to a decease. The authors distinguish two systems of compensation, the first one focuses on tailor-made compensation to the damage of each separate victim. The second system uses a fixed amount of money to every victim, limiting options to offer tailor-made compensation. The first system meets the interests of victims because it diminishes inequality of justice whereas the government and executing offices are confronted with higher costs. The second system creates clear conditions and rules for compensation, yet one fixed amount of money creates and inequality of justice. Bisschop et

al. (2013) state that it is up to the legislator to decide which principle provides the best solution for the different interests of the two systems.

Some experts stated that ‘the Act’ is still very diffuse and only grants minor compensation for some types of damage. An important prerequisite from ‘the Act’ is that it currently needs to have a guilty person or party where compensation can be claimed. Deleting this prerequisite from ‘the Act’ would require a formal change of the law, but would result in more equality between situations. Extending the Act with personal damage as an addition to material damage would offer more possibilities to compensate victims in their costs.

Some experts mentioned that it is possible to let citizens cover themselves for all kinds of damage at their private insurance, including damage from terrorism. Earlier, it was mentioned that insurance companies might exclude damage from terrorist attacks from their coverage. Experts have stated that this isn’t common, but that it all depends on your own coverage with your insurer. The reinsurer NHT in the Netherlands was founded to prevent exclusion clauses from insurers for damage due to terrorism. Another route within insurance would be that victims claim damage at the liability insurance from the offender. However, if the offender is not insured or is insured at a foreign insurer, that option would pose some difficulties. The advantage of people insuring themselves via insurance companies is that people only have to deal with their own insurance company who already knows their situation. A disadvantage of this system would be that the insurance company is not likely to transfer the costs to the offender because that would mean an investment of time and money. The offender would not have an incentive to change behavior because he does not have to pay for the damage that was caused.

4.4 Synthesis

The results from the document study and the expert interviews have provided with several options on policy for victims of terrorism in the Netherlands. Based on these sources, the below presented table 2 synthesizes the perceptions on four different policy models, including a characterization of the model and the (dis)advantages of every model. The policy-advice chapter provides with an advise on one of these models.

Table 2: Synthesis of possible policy-models

Model 1	<i>Background:</i> Characterizes itself by a collectively sponsored fund that supports victims of terrorism with a compensation. Victims of terrorism are entitled to get acknowledged as a victim of war by the government. This gives them life-long pensions and reimbursement of costs. Children of victims of terrorism may enroll in a governmental coordinated program to receive reimbursement of tuition fees.	
French model	<i>Advantages:</i> <ul style="list-style-type: none"> - Governmental involvement is a sign of solidarity and acknowledgement from the government; - Separate fund for victims of terrorism; - Sign that the government takes care of her citizens; - Collective funding of the fund through a levy. 	<i>Disadvantages:</i> <ul style="list-style-type: none"> - Very high government involvement; - High governmental budget needed; - Might limit room for private initiatives of charity; - Current budget of Dutch Crime Compensation Fund is not sufficient.
Model 2	<i>Background:</i> Characterizes itself by a situation-based reaction to heighten the compensation from the Victim Fund after the attack in Brussels. Raising the fees will put pressure on the budget of the Victim Fund. A statute is being set up to acknowledge victims of terrorism and to entitle them for life-long reimbursement of costs.	
Belgian model	<i>Advantages:</i> <ul style="list-style-type: none"> - Opportunity for tailor-made regulations; - Governmental reaction is a sign of acknowledgement of the severity of the attack; - Cover the societal indignation by taking immediate action. - Moderate government involvement before the attack; - Short-term solution. 	<i>Disadvantages:</i> <ul style="list-style-type: none"> - High governmental involvement after the attack; - High governmental funding after the attack because the Victim Fund was not sufficient; - Political and societal pressure influences decision-making process, a potential cause for inequality.
Model 3	<i>Background:</i> Is characterized by general legislation that could be enforced if the severity of a situation demands it. It is proposed to cover personal damage next to property damage. If enforced it creates more uniformity in compensation.	
‘The Act compensation and damages during disasters and major accidents’	<i>Advantages:</i> <ul style="list-style-type: none"> - A more clear framework leads to more uniformity in granted compensation; - Decision on putting ‘the Act’ into effect is at governmental level; - Includes material damage and personal damage; - Offers the opportunity to make categories in damage. - Once set up, it offers a solution for the long term. 	<i>Disadvantages:</i> <ul style="list-style-type: none"> - Requires a change of legislation, which will take time; - Government has to make political choice to put ‘the Act’; - Moderate government funding; - Moderate role for insurance companies.
Model 4	<i>Background:</i> Is characterized by a system in which citizens insure themselves for damage that has been inflicted on them. Governmental involvement will be low once implemented. A perverse effect might be that the insurer will not claim at the offender, which causes the offender to get away with the actions.	
Insurance based model	<i>Advantages:</i> <ul style="list-style-type: none"> - Citizens insure themselves to inflicted damage; - Citizens contact their insurance and only deal with them; - Insurers with loads of victims can ask the reinsurer NHT to cover some of the costs; - Low governmental involvement, market processes. 	<i>Disadvantages:</i> <ul style="list-style-type: none"> - Low governmental involvement and funding might not do right to the severity of an attack; - High distance from government to victims; - Insurance will not try to claim costs at offender, contrasts the idea that the offender should pay the damage. - Needs a change of legislation.

CHAPTER 5: CONCLUSION AND DISCUSSION

The last few years, Europe has encountered several terrorist attacks, most recently in London, Manchester, Stockholm, Berlin, Nice, Brussels and shortly before in Paris (Foster, 2017). Several dozens of Dutch citizens were victimized during the aforementioned terrorist attacks. Cases of compensation for victims of terrorism have shown different approaches in the way victims are compensated. The research goal was to gain more insight in the ideal type compensation scheme for victims of terrorism in the Netherlands, by analyzing and considering recent practices and cases of compensation in France, Germany, Belgium and the United States of America. This research was relevant because it aligned with current events and provided the ministry of Security and Justice with insights on what they should (not) include in their compensation scheme for victims of terrorism. In this study three research questions were answered: a descriptive question, an explanatory question and a policy-related question.

The descriptive question focused on characterizing compensation schemes for victims of terrorism in the Netherlands, France, Germany, Belgium and the United States of America. Compensation schemes in the aforementioned countries can be characterized at multiple levels: the governmental macro-level, the societal meso-level and the individual micro-level. On the macro-level, compensation schemes differ from each other on the governmental involvement and responsibility to offer victims of terrorism compensation. The United States of America, France and Belgium have all implemented new rules for victims of terrorism after the attack(s) had taken place. Because the Netherlands has not been confronted with a terrorist attack, there is no compensation scheme available specifically for victims of terrorism. The emergence of private initiatives to donate money is unpredictable but it is a phenomenon that is likely to occur after an attack because of the severity of the situation. Countries that were hit by a terrorist attack have had experiences with charitable donations from societal initiatives on the meso-level. Victims of terrorist attacks have several needs that need to be fulfilled on the micro-level. The micro and macro-level are highly related to each other. On one hand, governmental macro decisions will set out a framework that influences the way the victims' needs are met. On the other hand, the definition of a victim influences the way the other characteristics in a compensation scheme are arranged.

On the macro-level, the typology of welfare-states (Esping-Andersen, 1990) was argued to be a mechanism to understand the measurements the state takes to provide compensation for its citizens. However, the findings show that the typology of welfare states is not sufficient to understand differences between countries in the way they organize their compensation schemes. In the USA, the complete opposite of a liberal welfare state was found with a very responsible government. The

French, Belgian and German welfare states provided more understanding of their implemented systems of compensation. From the Dutch universalistic welfare state, a system would be expected that puts a large emphasis on governmental responsibility and taking care of victims. We can conclude that culture, political pressure, societal pressure and previous experiences with terrorist attacks also contribute to understanding differences between compensation schemes of the countries.

In order to advise which options the Dutch policy could adopt in compensation schemes for victims of terrorism, we can conclude that the current Dutch system is equipped with several routes for regular victims of crimes. In short, there are three generic routes to claim compensation; the offender, own insurance and national funds such as the Dutch Crime Compensation Fund. The latter route is the most suitable alternative if an offender has taken his own life after a terrorist attack. After large accidents or disasters, the Dutch government has the opportunity to put ‘The Act compensation and damages during disasters and major accidents’ into effect (Bisschop et al., 2013; Engelhardt and Rijnhout, 2015). The Act can be used to help victims in situations where insurance does not offer enough coverage. Until now, the Act does not have coverage for personal damage, but merely for material damage. We can conclude that it is advised to look into extending ‘The Act’ with personal damage to enable more uniformity in compensation between disasters, accidents and terrorist attacks.

A conclusion of this study is that there is no consensus on the degree of governmental responsibility on compensating victims of terrorism. A classical point of view is that the government has a role in compensating victims of terrorism, because they have failed to protect their citizens against the risks of terrorism. A political choice should be made to determine the governmental role when an attack takes place in the Netherlands. Central themes concerning a political choice are: on the definition and scope of the victim, the height of the compensation and the exceptional situation for victims of terrorism compared to regular victims. Societal pressure, media-attention and the deliberate violent attack on citizens were seen as situations that create special treatment for victims of terrorism. We can conclude that money as financial compensation isn’t everything.

In conclusion, it appears that defining the victim and deciding who is eligible to claim compensation can only be done *after* an attack. The empirical findings suggest that a quick compensation is better suited for victims because it gives them an acknowledgement of their victimization and it offers the opportunity to close off the situation. We can conclude that it is difficult to determine why victims of terrorism should receive a higher compensation than other victims.

In conclusion, roughly four models were identified in this study concerning the options the Dutch policy could adopt. The French model shows the most governmental oriented approach and is more suitable for the long term. The Belgian model encompasses a lower amount of governmental responsibility, but offers a short-term solution for policy in increasing the payout from the Dutch Crime Compensation Fund. The third model considers ‘The Act’ to be extended to personal damage with clearer conditions. Using ‘The Act’ would create more uniformity between disasters, accidents

and terrorist attacks. The fourth model considers the use of insurance coverage for victims to receive their compensation at their own insurer. It is an option for people to take a first-party insurance that covers all inflicted damage, but only suitable for the long-term solutions.

Discussion:

The mixed-method approach of this study is the strongest point of this study, combining a qualitative document analysis and expert interviews. Insights from the document analysis were used in the expert interviews. An experimental method was the use of a situational question in the interviews. The question challenged the experts to think about (un)desirable actions after a terrorist attack. Whereas the experts did not know a lot of the situation in other countries, the reactions and ideas from these countries presented a realistic scenario. This study offers another great contribution with a more contemporary overview of the compensation schemes in France, Belgium, Germany and the United States of America. In comparison to the study from Letschert, Staiger and Pemberton (2010), this study offers an overview of different programs in countries that were hit by a terrorist attack. Moreover, comparing these two studies shows the specific actions that were taken by governments after a terrorist attack. For example, recent developments of the Belgian statute are mentioned in this study, but were not included in the study of Letschert, Staiger and Pemberton (2010).

This study also has some weaknesses. First, the results from the interviews cannot be generalized to a larger population. Although the convenience sample included a lot of actors that are involved in this subject, it does not necessarily represent the opinion of a larger group of experts. A heterogeneous group of experts was reached by including organizations from different perspectives. Next to perceptions from experts who deal with this subject on a daily basis, also experts from universities were interviewed to include scientific perspectives. As a second weakness, the ideas on first-party insurance and claiming compensation at the liability insurance of the offender arose when most of the interviews had already been conducted. Consequently, it was not possible to reflect on these ideas with all experts from other organizations. To tackle this weakness, documents were studied to provide with background information and (dis)advantages on these ideas.

Unfortunately, it was not realistic to interview policy-makers from European countries due to time constraints. It would have been a great addition to reflect on the results from the document analysis with the policy-makers in those countries. That would have opened up more opportunities to talk about their fundamental choices in the decision-making process on compensation for victims of terrorism. Future research should focus on extracting the core ideas from policy makers from France, Germany and Belgium because they apply their own perspectives. A qualitative study on these policy makers would be best suited to further research the question why these countries have made certain decisions. Also, further research should be set up on effect studies to study the societal, legislator and financial consequences of long-term policy solutions. These studies will provide the minister and his staff with more valuable insights on what the long-term (dis)advantages of models will become.

CHAPTER 6: POLICY ADVICE

This chapter aims to give a policy advice to the ministry of Security of Justice in the Netherlands on the subject of compensation for victims of terrorism. During the recent terrorist attacks abroad, several dozens of Dutch victims were victimized. Because the threat-level in the Netherlands remains at ‘substantial’, the chances of a terrorist attack in the Netherlands are real. Therefore, it is essential to prepare the policy in the Netherlands for the moment a terrorist attack strikes the country. This policy-advice will offer several options that can be considered on compensation for victims of terrorism. To begin with, the suggested models mentioned in the result section receive more explanation. This advice supports the idea that a political choice has to be made on this subject.

Recommendation 1: Prioritize the subject

Experiences from other countries have shown that once an attack occurs, all countries will take action under societal pressure, political pressure, media attention and the narratives of victims. Therefore, it is essential that the subject receives the attention so certain decisions can be made in preparation of a possible attack. It is advised to place the subject on the agenda of the current minister of Security and Justice. He has to be conscious of the risks of an attack, he has to be concerned and motivated to tackle this problem in the near future. The Victim Policy Department of the ministry of Security and Justice needs to share their experiences from previous researches and this research to share their concern with the current minister, trying to convince him of the urgency.

Recommendation 2: Make a short-term political choice

Examples of such choices are who to define as a victim, who will be entitled to claim compensation after an attack and what the height of compensation should be. Results of this study have shown that the experts think that certain choices should be made, but that it is essential that these choices are weighed on their pros and cons. The Victim Policy Department of the ministry of Security and Justice has to get into contact with the staff of the minister to talk about the subject of victim compensation after a terrorist attack. Putting the subject onto the political agenda will increase the possibility that a political choice will be made. A short-term political choice should be made to react to a situation if that occurs right now. For short-term results the minister is advised to choose an option that does not need a change in legislation. A long-term political choice should be made with considering changes in legislation that are explained further in recommendation 4.

A central theme that requires a political choice is whether or not a specific compensation scheme for victims of terrorism should be made in the Netherlands. Based on the political and societal unrest, the severity of the situation and the deliberate violent act, one could decide to create an exceptional situation for victims of terrorism. On the other hand, that would not do right to victims of

regular crimes that might have suffered from the same damage. Although it would be a great sign of solidarity and a great gesture, experts disagree if such special arrangements should be made. To tackle the severity of the situation, it is advised to permanently increase the payout from the Dutch Crime Compensation Fund to all victims that claim damage in the Netherlands. Increasing the payout will give more room to react to the specific characteristics surrounding a terrorist attack, such as societal pressure and the deliberate violent attack. On short-term the current minister will need budgetary power to transfer extra money to the Dutch Crime Compensation Fund which will result in higher payouts for all types of victims, including victims of terrorism.

Recommendation 3: Postpone long-term decision for new minister

Another important development to consider is the construction of a new House of Representatives. Whereas the subject might become high on the agenda of the current outgoing minister, it is also important that the new minister of Security and Justice has a say in this trajectory, especially in the long-term solution. Within the new term of office a long-term decision from the new minister of Security and Justice might boost his start. It is advised that the current outgoing minister of Security and Justice takes a decision for the short-term, and that the outgoing minister decides which long-term solutions are suitable options. The follow-up would be that the new minister decides on the long-term decision.

Recommendation 4: Make a political choice for the long term and calculate effects

The results of this study have shown that there are several long-term options on compensation for victims of terrorism the Dutch minister could consider. Considering these options and making a choice beforehand will support the narrative why certain alternatives were in- or excluded in policy. One of those long-term options is the approach from ‘the Act of compensation and damages during disasters and major accidents’ (In Dutch: Wet tegemoetkoming schade bij rampen (Wts)).

It is advised to look into the option to extend ‘the Act’ with personal damage. A possible approach could be to use categories of victims which receive a compensation depending on their situation. A similar approach of categorizing damage is already at use in the Dutch Crime Compensation Fund in the Netherlands. Therefore, it is essential to involve experts from that organization because they have experience in allocating victims to these categories.

A trajectory of changing formal legislation might take years and would have financial consequences. The Victim Policy Department of the ministry will have to confer with the involved partners to estimate the costs and possible interventions. Presenting a calculated decision will further convince the new minister on the option that should be chosen. The formal legislator should be involved early on in this process to determine which actions are needed for the presented options. While working on possible new legislation, other experts need to be involved to check if it is a realistic change.

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APPENDIX A: EXPERTS

Experts for the interviews were contacted in a number of organizations in the Netherlands, containing:

Experts:	Sex	Organization (English):	Organization (Dutch):	Length:
E1	M	National Coordinator for Security and Counter-Terrorism	Nationaal Coördinator Terrorismebestrijding en Veiligheid	54:49
E2	F	Dutch Crime Compensation Fund	Schadefonds Geweldsmisdrijven	45:30
E3	M	Victim Support Netherlands	Slachtofferhulp Nederland	41:38
E4	M	Public Prosecution Service	Openbaar Ministerie	40:46
E5	F	Dutch Crime Compensation Fund	Schadefonds Geweldsmisdrijven	44:22
E6	M	Lawyer firm	Advocaat	42:46
E7	F	Utrecht University	Universiteit Utrecht	43:58
E8	M	Ministry of Security and Justice	Ministerie van Veiligheid en Justitie	49:14
E9	F	CJIB	Centraal Justitiele Incasso Bureau	40:06
E10	F	Ministry of Security and Justice	Ministerie van Veiligheid en Justitie	35:20
E11	M	Fund Victim Support	Fonds Slachtofferhulp	44:40
E12	M	Ministry of Security and Justice	Ministerie van Veiligheid en Justitie	38:20
E13	M	Ministry of Security and Justice	Ministerie van Veiligheid en Justitie	45:51
E14	F	Lawyer firm / research	Advocaat / onderzoek	41:48
E15a	M	Dutch Reinsurance Pool for Terrorist damages	Nederlandse Herverzekeringsmaatschappij Terrorismeschaden (NHT)	48:22
E15b	M	Dutch Association of Insurers	Verbond van Verzekeraars	ibid.
E15c	M	Dutch Association of Insurers	Verbond van Verzekeraars	ibid.

APPENDIX B: TOPIC GUIDE

	Interview questions (English)	Interview questions (Dutch)
Theme 1: Micro		
Eligibility	<ul style="list-style-type: none"> - Who do you consider to be victims of a terrorist attack? - Who do you consider to be eligible for compensation after a terrorist attack? - Why do you consider this group to be eligible? 	<ul style="list-style-type: none"> - Wie beschouwt u als een slachtoffer van een terroristische aanslag? - Wie vindt u dat recht heeft op schadevergoeding na een terroristische aanslag? - Waarom vindt u dat deze groep daar recht op heeft?
Needs of compensation	<ul style="list-style-type: none"> - What do you think that victims of a terrorist attack need in case of compensation? - Why do you think financial compensation is important? - To what extent do you think victims should be compensated? Why? 	<ul style="list-style-type: none"> - Waar denkt u dat een slachtoffer behoefte aan heeft na een terroristische aanslag? - Waarom denkt u dat financiële schadevergoeding belangrijk is? - Tot welke hoogte vindt u dat slachtoffers gecompenseerd moeten worden? Waarom?
Swiftness	<ul style="list-style-type: none"> - When should damage be compensated? - Would you prefer immediate compensation, or delayed compensation? Why? 	<ul style="list-style-type: none"> - Wanneer zou schade vergoed moeten worden? - Zou u de voorkeur hebben aan directe of vertraagde schadevergoeding? Waarom?

Situational		
France	The French system is characterized by a <i>national insurance fund</i> in which every citizen pays a levy which is put into a fund. There are initiatives to equalize victims of terrorism to victims of war, giving them the right for <i>life-long</i> compensation and reimbursement of costs. National solidarity is an important reason to organize it this way. The government acts as a re-insurer if the fund is not sufficient.	Het Franse systeem kenmerkt zich door een <i>nationaal verzekeringsfonds</i> waar iedere burger een premie betaalt dat in een fonds belandt. Er zijn initiatieven om slachtoffers van terrorisme gelijk te stellen aan oorlogsslachtoffers, wat hen recht zou geven op levenslange compensatie en teruggave van kosten. Nationale solidariteit is een belangrijke reden om het op deze manier te organiseren. De Franse overheid is een herverzekeraar als het fonds niet genoeg blijkt.
Belgium	The Belgians did not have a compensation scheme for foreign victims of terrorism. Shortly after the attacks in Brussels, they have made it possible for foreign victims to request compensation for their suffering. They have made a statute that still has to pass Belgian Parliament that equalizes victims of terrorism to victims of war, giving them <i>life-long</i> rights to claim compensation, even for damage that occurs after years. Until further notice, the statute is not available for foreign victims.	De Belgische overheid had geen schadefonds voor slachtoffers van terrorisme voor buitenlandse slachtoffers. Kort na de aanslagen in Brussel werd het mogelijk voor buitenlandse slachtoffers om een verzoek in te dienen voor schadevergoeding. De Belgen hebben een statuut ontwikkeld die nog geaccepteerd moet worden door het Belgische Parlement waarin slachtoffers van terrorisme gelijk worden gesteld aan oorlogsslachtoffers, waardoor zij <i>levenslang</i> recht krijgen op vergoeding. Tot nader bericht wordt dit statuut niet beschikbaar voor buitenlandse slachtoffers.
Germany	In Germany, they compensate on the idea of <i>social justice</i> . Victims of an attack in Germany are eligible to claim compensation. Per case it is assigned how much someone will be compensated. The German approach states that the government is not fully responsible.	In Duitsland wordt gecompenseerd op basis van sociale rechtvaardigheid. Slachtoffers van een aanval in Duitsland komen in aanmerking voor compensatie. Afhankelijk van de zaak wordt er een geldbedrag uitgekeerd. De Duitse manier veronderstelt dat de overheid niet volledig verantwoordelijk is.
USA	The United States have organized compensation on state level, and after the attacks on 9/11 they have created a national fund based on solidarity. Money is caught from fines and forfeitures from criminals. After	In de Verenigde Staten wordt de schadevergoeding per staat anders geregeld. Na de aanslagen op 9/11 hebben ze een nationaal fonds gecreëerd dat gebaseerd is op solidariteit. Geld voor dit fonds is afkomstig uit boetes

	9/11, almost 9 billion dollars was granted as compensation. For the United States it is unique that victims were eligible to claim for immaterial costs as well. In 2014, the fund reopened for damage that occurred later on in the lives of victims.	en inbeslagnames. Na 9/11 werd er bijna voor 9 miljard dollar gecompenseerd. Voor de situatie in de VS is het uniek dat het voor slachtoffers is toegestaan om ook vergoeding aan te vragen voor immateriële kosten. In 2014 werd het fonds heropend voor schade die in een later stadium is ontstaan bij slachtoffers.
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Theme 2: Macro		
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Introducti on welfare states	Literature suggests that there are different welfare states with a higher or lower amount of governmental coordination. The liberal welfare state being the lowest, the corporative a bit higher and the social-democratic with the highest governmental coverage.	De literatuur veronderstelt dat er verschillende verzorgingsstaten zijn met een hogere of lagere coördinatie van de overheid. De liberale verzorgingsstaat heeft de minste overheidsbemoedening, de corporatieve iets meer en de sociaal-democratische het meest.
Responsibility state and/or society	<ul style="list-style-type: none"> - Who do you think is responsible for offering compensation to victims of terrorism? Why? - Do you think there should be a compensation fund for victims of terrorism? Why? - Which role do you see for the state or government in facilitating compensation? - To what extent should governments be responsible for a compensation fund? Why? 	<ul style="list-style-type: none"> - Wie vindt u verantwoordelijk voor het bieden van schadevergoeding aan slachtoffers van terrorisme? Waarom? - Vindt u dat er een schadefonds moet zijn voor slachtoffers van terrorisme? Waarom? - Welke rol ziet u voor de overheid in het faciliteren van schadevergoeding? - In welke mate vindt u het de verantwoordelijkheid van de overheid om schadevergoeding te organiseren? Waarom?

Coordination	<ul style="list-style-type: none"> - Who do think should be in charge of compensation of victims? - Why do you think that organization should be in charge? - Would there be specific theoretical arguments why the Netherlands should do it differently than other countries? If yes/no, why? 	<ul style="list-style-type: none"> - Wie vindt u dat compensatie van slachtoffers van terrorisme moet coördineren? - Waarom denkt u dat die organisatie het voortouw moet nemen? - Zouden er specifieke theoretische argumenten zijn waarom wij het in Nederland anders zouden moeten doen dan andere landen? Zo ja, nee, waarom wel/niet?
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Theme 3: Meso		
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	<ul style="list-style-type: none"> - What role do you see for the society in compensating victims of terrorism? After previous attacks, there have been societal responses with private organized charitable funds. - What do you think about these charitable funds? - What should we do with these donations if it occurs? - How do these charitable funds relate to the role of the government? 	<ul style="list-style-type: none"> - Welke rol ziet u voor de samenleving in schadevergoedingen voor slachtoffers van terrorisme? Na vorige aanslagen zagen we dat de samenleving heeft geantwoord met giften en donaties. - Wat vindt u van private giften en donaties? - Wat zouden we met deze donaties moeten doen als dit gebeurt? - Hoe verhouden deze donaties zich tot de rol van de overheid?
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Theme 4: Policy		
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	<ul style="list-style-type: none"> - What characterizes the current policy-design in the Netherlands on compensation for victims of terrorism? - How should the Netherlands design policy on compensation for victims of terrorism? - Why should or shouldn't we include those features in our policy? 	<ul style="list-style-type: none"> - Wat kenmerkt het huidige Nederlandse beleid omtrent compensatie voor slachtoffers van terrorisme? - Hoe zou Nederland beleid kunnen vormgeven omtrent compensatie voor slachtoffers van terrorisme? - Waarom zouden we bepaalde kenmerken wel of niet moeten meenemen?
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APPENDIX C: CODES

Dutch	English
Macro	Macro
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Advocatuur	Lawyer
Rol advocatuur	Role lawyer
Advocatuur buitenlandse SLO's	Lawyer international victims
Advocatuur negatief	Laywer negative
Advocatuur positief	Laywer positive
Beleid	Policy
Beleid - affectieschade	Policy - Affection damage
Beleid - hoe	Policy - how
Beleid - uitdagingen	Policy - challenges
Beleid - voor internationalen	Policy – for internationals
Beleid - waarom	Policy - why
Beleid - wat	Policy - what
Beleid - niet doen	Policy – do not do
Beleid - wel doen	Policy – should do
Aanspr. verz.	Liability Insurance
Beleid - WTS	Policy – The Act
Beleid WTS - nadelen	Policy The Act – advantages
Beleid WTS - voordelen	Policy The Act- disadvantages
First-party - kenmerken	First-party characterization
First-party nadelen	First-party disadvantages
First-party voordelen	First-party advantages
Beleid verschil regulier vs terrorisme	Policy difference regular vs terrorism
Coördinatie	Coordination
Coördinatie - benodigde partners	Coordination – needed actors
Coördinatie - waarom	Coordination – why
Coördinatie - wie	Coordination – who
Verantwoordelijkheid overheid	Responsibility government
Overheid - waarom	Government – why
Overheid - verklaring verschillen internationaal	Government – explanation international differences
Verzekering	Insurance
Belang verzekering	Importance Insurance
NHT	NHT
Terrorisme verzekeraar ja of nee	Terrorism insurable yes/no
Meso	Meso
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Verantwoordelijkheid samenleving	Responsibility society
Liefdadigheid	Charity
Samenleving - hoeveel	Society – how much
Samenleving – waarom	Society – why

	Liefdadigheid - handelen		Charity – how to act
	Liefdadigheid - hoeveel		Charity – amount
	Liefdadigheid - waarom		Charity – why
<u>Micro</u>		<u>Micro</u>	
	<u>Behoeften</u>		<u>Needs</u>
	Algemeen		General
	Erkenning		Acknowledgement
	Immaterieel		Immaterial
	Materieel		Material
	<u>Hoeveelheid</u>		<u>Amount</u>
	Vergoeding - hoogte		Compensation – height
	Vergoeding - onderscheid		Compensation – divide
	Vergoeding belang - waarom		Compensation importance – why
	Vergoeding letselcategorieën		Compensation categories
	<u>Slachtofferschap</u>		<u>Victimization</u>
	SLO definitie		VICT definition
	SLO toegank.		VICT accessibility
	SLO toegank. - waarom		VICT accessibility - why
	<u>Tijd</u>		<u>Time</u>
	Schadevergoeding - snelheid		Compensation – speed
	Voorkeur direct		Preference direct
	Voorkeur vertraagd		Preference in terms
<u>Situational</u>		<u>Situational</u>	
	<u>België</u>		<u>Belgium</u>
	BEL - negatief		BEL – negative
	BEL - positief		BEL – positive
	BEL - TRIP		BEL –TRIP
	<u>Duitsland</u>		<u>Germany</u>
	DUI - algemeen		GER – general
	DUI - negatief		GER – negative
	DUI - positief		GER – positive
	<u>Frankrijk</u>		<u>France</u>
	FRA - algemeen		FRA – general
	FRA - negatief		FRA – negative
	FRA - positief		FRA –positive
	<u>Verenigde Staten</u>		<u>United States of America</u>
	VS - algemeen		USA – general
	VS - negatief		USA – negative
	VS - positief		USA – positive

APPENDIX D: DESCRIPTION OF FUNDS

United States of America

The primary focus for the United States of America is the way the country reacted to the terrorist attacks on the 11th of September 2001 in comparison to compensation processes in regular cases. The events on September 11 were unprecedented which translated into an exceptional solution of a national compensation fund (Goldscheid, 2004; Tyler and Thorisdottir, 2003; Herman and Waul, 2004).

State compensation

Background: The Crime Victims Fund (CVF) was established in 1984 as a part of the Victims of Crime Act (VOCA), and it is a funding source for victim services throughout the United States and its territories. Within this cooperation, the VOCA and the CVF help victims to rebuild their lives by reimbursing them for costs that were directly caused by the crime (OVC, 2009). Every state offers a program to help victims to pay for expenses due to victimization from a crime (NACVCB, 2011).

Eligibility: Eligibility requirements differ per state. Victims are required to report the crime to law enforcement agencies within a certain timeframe, and these also differ per state (NACVCB, 2011). A victim who has been physically injured is eligible for compensation and in some states also emotional injury is reimbursed. Family members of a deceased victim may receive compensation for expenses resulting from death (NACVCB, 2011).

Includes: According to the NACVCB (2011) expenses in medical and hospital care, mental health counseling, lost earnings, loss of support from dependents and funeral and burial expenses are covered. To determine specific losses that are eligible for compensation, the specific state programs need to be studied.

Excludes: Property loss, property damage and theft are likely not to be covered (NACVCB, 2011). For most costs, victims are expected to contact insurance coverage and other public benefit programs first, before posing a claim at the CVF.

Amounts: Differences exist between states in what is their maximum amount of compensation. The NACVCB (2014a) offers an outline of maximum payments per state. The average maximum payment is around \$25 000 per case. The NACVCB (2014b) pays close to \$450 million on compensation for victims annually.

Actors: The Office for Victims of Crime (OVC) distributes victim assistance and compensation funds to states and US territories.

Funding: The federal funding for the state compensation programs originates from the CVF, which is supported by fines, penalty assessments and forfeitures of possession (Herman and Waul, 2004).

Coordination: The VOCA is administered by the OVC, as a part of the United States Department of Justice. In the United States of America the regular cases of compensation for victims is coordinated by state governments that have compensation programs funded by state and federal resources (Herman and Waul, 2004)

Insurance companies: Victims should contact insurers first to check if they cover certain expenses, after which the state compensation fund only acts as a last resort for financial compensation (Herman and Waul, 2004).

Reinsurance: Terrorism Risk Insurance Act (TRIA) covers to a maximum of \$100 billion per year (Airmic Technical, 2013).

September 11th Victim Compensation Fund

Background: The main value of this compensation fund was to establish a central organization that would provide financial assistance for victims to let them recover from the aftermath of the attacks. The act of the government compensating victims on such a large scale was something that had not been done before, but an exception was made because “the September 11th disaster was on an entirely different level” (Schneider, 2003: 465). Goldscheid (2004: 168) describes the response as “widely recognized and unparalleled, and the public demanded coordinated, comprehensive and accessible services for the victims”. It was a national effort to help victims to rebuild their lives, which can be viewed as a great communal response to such a tragedy.

Whereas the compensation scheme on the 9/11 attacks received positive comments (Herman and Waul, 2004; Schneider, 2003), Goldscheid (2004) argues that the existence of ad-hoc compensation programs next to regular compensation programs does not do right to the harm of the *regular* group of victims. The public nature of the 9/11 attacks and the perception of *group harm* lead to arguments on compensation that were different from *regular* victims. Goldscheid (2004) concludes that the disparity in programs and schemes is not justified by different experiences of victims from *regular* crimes and victims of *terrorist* attacks.

Charity: CNN (2001) reports that over \$1 billion dollar was raised for victims of the 9/11 terrorist attacks. It is questioned whether or not these donations reach the victims directly. Some funds are still open for donations (Adamczyk, 2016).

Eligibility: Eligibility for the compensation fund was limited to those who were killed or physically injured at one of the following locations: the World Trade Center, The Pentagon and the Pennsylvania crash site. All victims had to have been at one of these locations within twelve hours of the attacks, should have suffered physical injury and treated by a medical professional within 72 hours of the attacks. Rescue workers were only eligible to claim at the compensation fund if they had been on one of the sites within 96 hours of the attacks (Herman and Waul, 2004).

Includes: Both economic (i.e. expenses) and non-economic causes (i.e. pain and suffering) were covered through the fund.

Excludes: Individuals that only suffered from emotional distress but did not suffer from physical trauma were excluded for compensation through the fund (Schneider, 2003). Victims who experienced physical injuries later on due to mental traumas, were not eligible for compensation since their medical attention did not fit the mentioned timeframe of 72 or 96 hours (Herman and Waul, 2004; Schneider, 2003).

Amounts: Specific payouts were determined by a designated Special Master, who defined fixed reimbursement for deaths and surviving spouses. Individual claims on economic losses were calculated with a formula that took into account lifetime earnings, replacement costs and also non-economic losses based on the nature of the injury (Herman and Waul, 2004). Compensation for death ranged from \$250 000 to \$7.1 million, personal injury claims assigned from \$500 up to \$8.7 million. The total payout was close to \$7 billion until 2004 (Herman and Waul, 2004). In 2014, the 9/11 fund was reopened for damage that occurred at a later stage in the lives of victims.

Actors: The U.S. National Government took the initiative to set up the September 11th Victim Compensation Fund. The Special Master was assigned with the authority to decide upon claims and the payouts. Insurance companies were contacted by victims for coverage in their policies. .

Funding: All of the money in the September 11th Victim Compensation Fund came from tax revenue (Herman and Waul, 2004: 50). This shows the national commitment to support victims of the September 11th terrorist attacks.

Coordination: The September 11th Victim Compensation Fund was under coordination of the U.S. national government, but the coordination over claims and grants was transmitted to the Special Master.

Insurance companies: The total award of compensation was reduced by other sources of compensation, such as life insurances, health insurances, pension funds and death benefit programs. Regular expenses that were part of insurance coverage were not covered by the September 11th Victim Compensation Fund.

ITVERP

Background: Next to the domestic compensation funds of the CVF and the 11th of September Fund, the United States of America has also established an International Terrorism Victim Expense Reimbursement Program (ITVERP), specifically aimed at assisting U.S. victims of overseas terrorist attacks (Mukasey, Sedgwick and Gillis, 2008).

Eligibility: The ITVERP is only accessible for United States nationals. To make it possible that victims are able to file a claim, the event should have been designated as a terrorist event by the ITVERP and victims should submit their claims within 3 years from the date of the terrorist attack (OVC, 2017).

Includes: Victims can seek for reimbursement for medical expenses, mental health costs, property loss, funeral and burial costs and some miscellaneous expenses through ITVERP (Mukasey, Sedgewick and Gillis, 2008; ITVERP, 2016)

Excludes: The ITVERP excludes immaterial psychological expenses, such as pain and suffering, loss of enjoyment of life and missed wages due to the terrorist attack (OVC, 2008). Also, the costs for an attorney and legal expenses are excluded from reimbursement.

Amounts: Mukasey, Sedgewick and Gillis (2008) mention that medical costs are covered up to \$50 000, mental health is covered up to \$5 000, property loss up to \$10 000, funeral and burial costs up to \$25 000 and other miscellaneous costs are covered up to \$15 000. Since 2007, the total payout was \$1.4 million.

Actors: The OVC and CVF are the main sponsors of the ITVERP. Even though the Patriot Act removed the requirement for state crime victim compensation funds to compensate victims of terrorism, states are eligible to claim granted reimbursement at the ITVERP (Gonzales, Schofield and Gillis, 2006: 4).

Funding: The ITVERP is sponsored by the CVF. The CVF is funded with penalty assessments, fines and forfeitures.

Coordination: The ITVERP is formally situated under control of the CVF and OVC, which are part of the U.S. Department of Justice (OVC, 2017).

Insurance companies: ITVERP will only reimburse costs that have not been covered by employers or insurance coverages (U.S. Department of Justice, 2015).

France

Regular:

Background: The *Fonds de Garantie* was established in 1951, originally as a fund to compensate victims of traffic accidents from which the offender was either not insured, or not identified (Fonds de Garantie, 2017). From 1986 on, the fund expanded its coverage to victims of terrorist attacks and in 1990 it extended to victims of other criminal offenses as well. The *Fonds de Garantie* (FdGTI) acts on the basis of *national solidarity* for tasks in the general interest, which shows that underlying the compensation fund is a state responsibility to care for victims (Fonds de Garantie, 2017).

Charity: People are made possible to donate money through the international channels of the Red Cross. The Fondation de France (2016) has raised \$2.4 million on donations from all over the world after the attacks on Paris and Nice.

Eligibility: The French government organizes support for victims of the attack in Nice through the CIAV (Interministerial Support Unit For Victims of Terrorism), a French cross-border victim support team. French agencies offer compensation to all victims, irrespective of their nationality

and they also include beneficiaries of victims (spouse, children, parents, families etc.) to make a claim to the Guarantee Fund.

Includes: specific arrangements were set up for victims of terrorism, such as providing coverage, reimbursement by French national social security system of medical costs for the period that the victim needs these arrangements. The fund guarantees support from different actors, i.e. by consultation from professionals and organizations aimed at supporting the victim in different ways (Fonds de Garantie, 2012).

Excludes: The FdGTI excludes material costs from compensation. Compensation for that type of damage should be done through insurance companies and their coverage (AFVT, 2017).

Amounts: No official payouts known, but a news article reports €62 500 for parents who have lost their child. For brothers of the diseased victim, the payout would be €21 000 Piquemal (2016). The total payout of FdGTI after the attacks in Paris is estimated at €42 millions, after the attack in Nice around €5.3 million of compensation was granted (Piquemal, 2016)

Actors: Next to contact with the FdGTI, Each victim receives a medical exam by an independent professional doctor which has been assigned by the fund to determine the bodily harm and damages inflicted by the offence (FGTI, 2016). Different care organizations are linked to the FdGTI to provide with support.

Funding: The French compensation system forces every citizen to sponsor the ‘Fonds de Garantie’ by raising a specific amount of money onto an insurance agreement. In addition, the fund gains its resources from recourses instigated against the responsible individuals, but the fund does not receive specific subsidies from the State budget (Fonds de Garantie, 2017). However, if the ‘Fonds de Garantie’ does not seem to be sufficient, the French government acts as a last resort in reinsuring that victims will receive their compensations.

Coordination: The FdGTI is coordinated by a board of members, such as representatives of different ministries and professionals from the insurance sector (Fonds de Garantie, 2017).

Insurance companies: According to the FdGTI (2017), victims should first contact the insurance companies to check what they can reimburse. Property damage is primarily settled by insurance coverages.

Reinsurance: The reinsurance fund: Gestion de L’Assurance et de la Reassurance de Risques Attentats et Actes de Terrorisme (GAREAT) has a coverage of €400 million by the reinsurer. The next layer of €1.9 billion is internationally reinsured. The last layer above €2.3 billion has unlimited coverage by the government.

Table 3: Different situations and compensation of victims or relatives (translated from French to English from: *Fonds de Garantie, 2017*)

Situation	Compensation
You have been the victim of an act of terrorism abroad and you are not a French citizen.	The Guarantee Fund can not compensate your loss.
You are a close relative of a person who died during the terrorist act and you are making a claim for compensation.	The guarantee fund compensates victims of French nationality, as well as the French successors of a deceased victim, regardless of his nationality.
You have been a victim of terrorism in France.	For acts of terrorism on French territory, the Guarantee Fund compensates all victims.
You have been a victim of an act of terrorism abroad and you are a French citizen.	The guarantee fund compensates victims of French nationality, as well as the French successors of a deceased victim, regardless of his nationality.

France - ONACVG

Background: National solidarity and recognition as a task for the general interest (Gouvernement Francaise, 2017).

Eligibility: Victims of terrorism in France are eligible to pose a claim at the ONACVG, (Office national des anciens combattants et victimes de guerre). It is unknown if foreigners are eligible to pose a claim at that fund.

Includes: If one gets the status of *victim of war*, that will offer a victim extra social benefits. Certain groups will receive a life-long pension for their suffering. Victims of terrorist attacks after 1984 are not eligible to get a compensation from the FdGTI and the ONACVG. Victims under 21 years old whose parents have been involved or have died during a terrorist attack are eligible to claim certain costs. They may receive a certain status, which gives them right to claim exemption from school tuition fees, scholarships for their studies and pension costs for life-coverage (AFVT, 2016).

Excludes: Compensation for material damage is not covered (AFVT, 2016).

Amounts: The amounts of payout are still unknown. Civil pensions are possible under certain circumstances. In some situations a victim will receive additional healthcare coverage, tax relief and coverage of traveling costs.

Actors: The State, ONACVG and different health- and support organizations are involved.

Funding: The ONACVG is funded with State budget (AFVT, 2016).

Coordination: The ONACVG is coordinated by the State (AFVT, 2016).

Insurance companies: The insurance companies are the first point of contact for claims on property damage.

4.2.3 Belgium

Background: Since 1985, the Belgians have implemented a law that makes it possible for the *state* to offer a financial compensation to victims of deliberate violent offenses, and in some cases also the

relatives of the victims are eligible for such a financial compensation (Federale Overheidsdienst Justitie, 2010).

Charity: Through GoFundMe (2016) \$57 817 was raised after the attacks on Brussels. Donations were also possible to the Belgian Red Cross (Goldberg, 2016), albeit that official amounts are not known yet.

Eligibility: All victims that suffered from physical or mental damage as a direct cause of the offence in Belgium are eligible to make a claim. When the victim dies due to the deliberate offence, relatives from the *second line* like parents, children, brothers and sisters become eligible for financial support (Federale Overheidsdienst Justitie, 2010).

Includes: Financial support for the primary victim is possible for a wide range of costs and damages, like moral damage, medical expenses, procedural costs, missed revenue due to disabilities and material expenses. If the family or relatives file a claim they are eligible to ask for financial support for moral damage, medical expenses, funeral costs and procedural costs (Federale Overheidsdienst Justitie, 2010).

Excludes: It is not possible to claim costs for psychosocial help, since that is already part of standard practices.

Amounts: First, there is the *emergency support*, which is assigned directly after the offence, without awaiting the preliminary research of the judicial trajectory and has a maximum of €15 000. Second, there is *main support*, described as the financial compensation the commission offers for the inflicted damage, starting at €500 and with a maximum of €62 000. Third, there is *additional support*, which can be defined as the period in which the damage can significantly increase, even if the *main support* was assigned. Support is only assigned if the inflicted damage passes the €500 mark. After the attacks in Brussels, caps for emergency support were extended up to €30 000 and for main support up to €125 000 (Geens, 2016).

Actors: The state is the main actor, since they coordinate the fund indirectly. The Commission for Financial Aid to Victims of Deliberate Violent Attacks and Occasional Rescuer (In Dutch: Commissie voor Financiële Hulp aan Slachtoffers van Opzettelijke Gewelddaden en aan de Occasionele Redders) is permitted to assign three types of support (see above) (Federale Overheidsdienst Justitie, 2010).

Funding: The state is the main contributor to the fund. If the judge sentences someone to a correctional punishment, the judge forces the criminal to sponsor the Fund to Victims of Deliberate Violent Attacks and Occasional Rescuers.

Coordination: The state is the coordinator over the fund and has delegated this to the Commission for Financial Aid to Victims of Deliberate Violent Attacks and Occasional Rescuer.

Insurance companies: The insurance companies are the first way for victims to claim compensation. If that is not sufficient, the Belgian state will interfere (Federale Overheidsdienst Justitie, 2010). The Belgian parliament has accepted a bill that enables insurance companies to establish the Terrorism

Reinsurance and Insurance Pool (TRIP, 2017) that is aimed at decreasing the risk for insurers to compensate their clients when a terrorist attack occurs. In the TRIP, the insurers and the Belgian state cooperate on basis of solidarity and provide extra protection to insurers by collecting financial sources. The Belgian state will interfere and provide further financial assistance if financial resources do not seem sufficient. As a direct result of this cooperation, an amount of €1 billion was set aside to use for financial claims as a direct consequence of a terrorist attack.

New developments: The Belgian government departed from the idea of a ‘one-stop-shop’ to combine all support services (Federale Overheidsdienst Justitie, 2016) In 2017 a bill was forwarded to the Belgian parliament that contains a proposal for a statute of national solidarity for victims of terrorism (Geens, 2017). Until now, foreign victims are excluded, but Belgian victims of terrorism are ascribed to compensation and support for all one’s life. The bill shows similarities with the statute for victims of war and it also incorporates a right for victims to claim a pension-payment for multiple years. The bill has not yet been accepted by the Belgian Parliament.

Germany

Background: According to a German policy-document, it can not be the task of the state to take away every life-risk, but from the point of social justice, it is generally the task of the state to support the innocent victims of an offence in their physical and psychological damages in order to let them rebuild their future with their own strength (BMAS, 2015).

Charity: Over £170 000 was raised in 6 days to help the family of the killed driver of the Berlin attack (Kentish, 2016).

Eligibility: The Crime Victims Compensation Act (In German: OEG) states that any person that was on the territory or on board of a German vessel or aircraft and suffered from unlawful physical assault, is eligible for compensation of health damage and economic damage. Not only the primary victims are allowed to submit for compensation as a result of a violent crime, but also the relatives, widow, widower and spouse are eligible for a compensation (BMAS, 2015). Tourists and visitors that have become a victim of a violent van crime in Germany, have the right to claim a single compensation for their damage, if they were heavily damaged due to the offense.

Includes: Medical treatment, medical aids (physical prostheses, dental prostheses and wheelchairs), funeral allowance and other welfare benefits, such as long-term care benefits and subsistence allowances (BMAS, 2016b).

Excludes: Some types of damages are excluded from compensation, such as compensation for pain and suffering (European Commission, 2005). Also, no compensation is given for damage to property or for financial loss. The Victim Compensation Act excludes injuries resulting from violent attacks carried out by an offender using a motor vehicle or its trailer. Victims would need to file a claim at the Verkehrsofferhilfe, the compensation fund for injuries caused by motor accidents (European Commission, 2005).

Amounts: Depending on the degree of damage, victims will receive a single payment compensation of €714 to a maximum of €25 632 (Federal Ministry of Justice, 2009). Victims can file their compensation claims in the Länder (province) where the offence had been committed, and should contact the authorities located in that area. With specific guidelines inflicted damage is judged. Additional compensation for repatriation and burial (€1 506), for orphans minimum of €1 272 up to €4 488 (Federal Ministry of Justice, 2009).

Actors: The Victim Compensation Act, the different Länder that should grant claims. The public prosecutor is an important partner within the criminal law. Last, the German Victim Support (Opferhilfe) helps with filing claims.

Funding: Compensation is for 40% funded by the national state and for 60% by the Länder.

Coordination: The national state and the Länder are in charge of the fund (Federal Ministry of Justice, 2009)

Insurance companies: The fund for victims of violent crimes only grants claims if citizens were unable to pose their claim at another authority, such as insurers. If insurers have provided financial support, the Victim Support Act might not grant the full claim (BMAS, 2016a).

Reinsurance: In Germany the reinsurance company is Extremus Versicherung AG, which has a coverage of €2 billion per year. The second layer of €8 billion is covered by the government (Airmic Technical, 2013).

