

# CHARTER OF THE GUARANTEE FUND FOR VICTIMS OF TERRORIST ACTS AND OTHER OFFENCES' OMBUDSMAN

## PRÉAMBLE

Created by the law of 9 September 1986, the Guarantee Fund for Victims of Terrorist Acts and Other Offences (FGTI) is an integral part of the public service of victim assistance. Its action is part of the victim support policy in their reconstruction process.

It compensates, in the name of national solidarity, the victims of attacks as well as the victims of common law offences in the context of procedures before the Crime Victims Compensation Board (CIVI) or the Crime Victims' Compensation Recovery Assistance Service (SARVI).

As part of its mission to provide full reparations for bodily injury, it offers personalised and caring support within the framework of transparent and humanised procedures, guaranteeing the values of respect and attentiveness to victims, who are at the heart of its mission.

As part of its efforts to continuously improve the quality of the service provided, the FGTI has set up an Ombudsman, available to victims who wish to make a complaint about the compensation procedure or the support arrangements.

The Ombudsman is driven by the values of service, attentiveness, and empathy. They intervene in a personalised, independent, and impartial manner, taking into account the specific context of each case. They are bound by confidentiality.

They ensure that the rights of victims are respected and play a role in facilitating dialogue. They seek any amicable solution to avoid legal disputes in connection with the victim compensation procedure.

The Ombudsman is also in regular contact with victim support associations and victims' associations to help improve the treatment of victims and the quality of their support.

### Appointment :

The Ombudsman is chosen because of their compassionate qualities, especially their listening and empathy skills and professionalism, as well as their experience in the service of victims.

They are appointed by the Director-General of the Guarantee Fund for Victims, after receiving approval from the Board of Directors of the FGTI.

The term is for 3 years, renewable. Their termination can only be at their own request or in case of force majeure.

### **Impartiality and independence :**

The Ombudsman is independent. They shall not receive any instructions from the French Guarantee Fund for Victims regarding the claims referred to them in the performance of their duties.

The FGTI provides them with the tools and human resources needed to exercise their mission.

The Ombudsman shall perform their duties with impartiality, in respect of adversarial procedure, and in complete transparency.

### **Confidentiality :**

The Ombudsman as well as the stakeholders are bound to the strictest confidentiality. The exchanges that take place within the framework of the mediation process as well as the recommendations made by the Ombudsman cannot be produced and evoked before a court of law.

### **Field of expertise :**

Natural persons may apply to the Ombudsman for any disputes relating to :

- a lack of response from the FGTI within the legal time frame to a compensation claim made in writing;
- a refusal to take on the claim notified by the FGTI;
- failure to comply with the rules and commitments of the FGTI, particularly those mentioned in the victim's charter and the medical examination guidelines.

The Ombudsman is not qualified to hear :

- disputes relating to the amount of an offer of compensation
- or claims for which legal action has been taken.

If legal procedures are instituted after the Ombudsman had already had the case referred to them, the intervention of the Ombudsman shall automatically cease.

The Ombudsman is also the representative of the Defender of Rights. Every year, they submit a report on their activity to the Director-General of the FGTI.

## Referral procedures :

The FGTI website mentions the existence of the Ombudsman and specifies the methods of referral and their field of jurisdiction. It also provides an online electronic referral form.

The victim, or their duly authorised representative (lawyer, victim support association, victims' association), refers the matter to the Ombudsman by registered letter with acknowledgement of receipt (Médiateur du FGTI, TSA 40499, 94689 Vincennes Cedex) or by e-mail to [lemediateur@fgti.fr](mailto:lemediateur@fgti.fr).

The letter or e-mail must state the reasons for the referral and be accompanied by documents supporting the claim.

The Ombudsman shall acknowledge receipt of the claim within a maximum of one month of its receipt and inform the applicant that their referral does not interrupt or suspend the time limits for recourse and is without prejudice to the admissibility of the claim.

## Course of the mediation process :

- The Ombudsman shall check that an application meets the following admissibility criteria : the claim falls within their scope;
- the claimant can prove that they have lodged a written complaint with the relevant FGTI departments and that it has remained unsuccessful or without a reply for more than two months;
- no legal proceedings have been initiated.

The Ombudsman may ask the applicant and/or the relevant departments of the Guarantee Fund for Victims for any further details if they do not have sufficient information to determine whether the referral is admissible.

If the referral is inadmissible, the Ombudsman informs the applicant in writing, giving reasons for the refusal.

If the referral is admissible, the Ombudsman informs the applicant and the FGTI departments concerned.

They may request additional information they deem necessary to investigate the dispute. The FGTI departments have one month to inform the Ombudsman of their position.

If they believe it necessary, the Ombudsman may suggest a meeting with the person who referred the matter to them and the person in charge of the claim at the FGTI. In this case, the Ombudsman shall state this in their final report.

## **Opinion of the Ombudsman :**

Once the claim has been examined, the Ombudsman gives a written opinion within a maximum of two months following the referral. In exceptional cases, if this time limit proves insufficient, the Ombudsman shall inform the parties, giving reasons.

In their opinion, the Ombudsman may propose measures that satisfy the applicant in whole, or in part or they may reject the application if they consider that there has been no failure on the part of the FGTI and that the victim's rights have been respected.

A copy of the opinion is forwarded by the Ombudsman to the applicant and to the relevant FGTI departments.

The Ombudsman's recommendations are not binding and do not set a precedent.

## **Ombudsman's annual report :**

Each year, the Ombudsman prepares a report on their activity, which lists the number of referrals and their outcome, the number of opinions issued, the types of disputes and their frequency, and the percentage of opinions followed by the FGTI.

The report may not include any name or other identifying information of any of the parties.

They may make any recommendations concerning the types of disputes regularly referred to them and any suggestions for improvement in the treatment of victims.

The report is addressed to the Director-General and to the Board of Directors of the FGTI.