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*Enhancing the Management of Foreign Victims in major incidents in Belgium:
Towards Evidence-Based Policy Advice*

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Summary

This thesis explores how Belgium manages foreign victims during major incidents, with a specific focus on the coordination and information exchange between Belgian authorities and foreign representatives such as embassies and consulates. Through a qualitative, evaluation-oriented multiple case study, the research draws on interviews with key stakeholders, legal analysis, and a review of both real-life incidents and recent crisis management exercises.

The findings reveal a fragmented and informal approach to handling foreign victims. While some tools and frameworks exist, such as BITS and Paragon, there is no legally binding national procedure or clearly defined allocation of responsibilities. In practice, information sharing often relies on personal networks, collegial arrangements, and operational improvisation. Awareness and understanding of existing procedures vary significantly across agencies and services.

The strict application of GDPR regulations emerges as a major challenge, limiting data sharing with foreign representatives and increasing legal uncertainty for first responders. Although life-saving operations rightly take precedence in the initial response phase, the nationality of victims becomes increasingly relevant during follow-up phases involving identification, family notification, and repatriation.

Key recommendations include the designation of a formal point of contact for foreign representatives, the development of legally supported procedures for information exchange, the integration of consular needs into emergency planning, and the establishment of interpreter pools and multilingual support mechanisms.

By addressing these gaps, Belgium can move towards a more coherent, legally sound, and operationally effective response system for incidents involving foreign nationals, balancing practical realities with international obligations and the dignity of victims and their families.

Table of Contents

Summary	i
Table of Contents	ii
Overview of annexes.....	v
Overview of figures	v
Introduction.....	1
1. Problem Statement	2
2. Methodology	3
2.1. Qualitative research	3
2.2. Evaluation-oriented research	3
2.3. Multiple case study.....	4
2.4. Data collection method and sources	4
2.5. Research limitations	5
2.6. Selection of respondents.....	5
2.7. Validity and reliability	6
3. Literature review	7
3.1. Belgian crisis management.....	7
3.1.1. Multi-disciplinary (five disciplines) emergency response	7
3.1.2. Multi-level (three levels) crisis management	8
3.2. Foreign victims and their rights.....	9
3.2.1. International victim rights	10
3.2.2. Victim Rights in Belgium.....	13
3.3. Existing procedures	15
3.3.1. BITS, A tool from FPS public health	15
3.3.2. Identification of the GDPR issues by the “workgroup 2022-2023” on foreign victims.....	16
3.3.3. Procedure established within the National Crisis Center	17
3.3.4. The National Victim Cell	18
4. Case study	20
4.1. Incidents on Belgian territory with foreign victims.....	20
4.1.1. The case of Basisschool Zuidzin of June 18 th , 2021	20
4.1.2. The case of ‘Schoten’ of April 10 th , 2022.....	22
4.1.3. The case of ‘Antwerp’ of March 18 th , 2023	23
4.2. Exercises 2024-2025.....	24

4.2.1. Exercise JOTA Sanicole	24
4.2.2. Exercise HERMES (organized by Province of Flemish Brabant).....	26
4.3. Legal analysis	28
4.3.1. Compliance with GDPR obligations.....	30
4.3.2. Processing of sensitive data.....	31
4.3.3. International data transfers.....	32
5. Interviews (experts conclusions)	35
5.1 Existing procedures for information management on foreign victims.....	35
5.1.1. Legal framework and division of responsibilities	35
5.1.2. Internal procedures and standard practices	35
5.1.3. Communication tools and information sharing.....	36
5.1.4. Approaches to foreign victims across disciplines	36
5.1.5. Nationality: not a priority, but increasingly relevant.....	37
5.2 Needs and cooperation among involved services	37
5.2.1. Key actors and cooperation dynamics.....	37
5.2.2. Operational perspectives on the first responders.....	38
5.2.3. Embassy involvement: diverging views.....	38
5.2.4. Differences in perspective and role uncertainty	39
5.2.5. Political expectations and support.....	39
5.2.6. GDPR Challenges in Crisis Contexts.....	40
5.3 Gaps in current procedures	40
5.3.1. Lack of clear role definition and legal framework	40
5.3.3. Language barriers and absence of a dedicated pool of interpreters.....	41
5.3.4. Specific operational challenges per discipline	41
5.4 Improvement Proposals	42
5.4.1. Lessons learned and limited structural changes	42
5.4.2. Shared concerns and key recommendations.....	43
5.4.3. Improving information exchange and communication	43
5.4.4. Addressing specific challenges	44
5.4.5. Legal and data protection considerations	44
5.4.6. Balancing local and federal roles	44
5.5. Incidents abroad with Belgian victims	45
5.5.1. Existing procedures for information management on Belgian victims	45
5.5.2. Needs and cooperation among involved services.....	46
5.5.3. Gaps and challenges.....	47

5.5.4. Lessons learned and improvement proposals.....	47
Conclusion (answers to the research questions).....	49
Policy advice.....	53
Key references and bibliography	56
Annexes	62
Annex 1: Interview questionnaire	62
Annex 2: Transcripts of interviews and informed consent.....	65

Overview of annexes

- Annex 1: Interview questionnaire
- Annex 2: Transcripts of interviews and informed consent

Overview of figures

- Table 1: Overview of interviews
- Table 2: List of victims in the HERMES exercise
- Table 3: Overview of approaches by the services involved

Introduction

Major incidents, by their very nature, are complex and disruptive events requiring coordinated and timely responses from a multitude of actors. In Belgium, where diverse populations coexist and international mobility is high, some of these incidents inevitably involve foreign nationals. The Brussels Capital Region counts 184 foreign nationalities (Visit Brussels, z.d.). As of 01/01/2024, the Belgian population in absolute numbers includes 7,618,446 Belgians of Belgian background, 2,537,497 Belgians of foreign background and 1,607,707 non-Belgians (Statbel, 2024). On top of that, there are also the short-stayers (broader than just tourists), who are even more difficult to reach, as they are not part of society, do not know the Belgian structures well and are also not (always) registered with their embassy.

While the protection and support of victims are core tenets of crisis management, the handling of foreign victims introduces additional layers of complexity, ranging from legal constraints and diplomatic sensitivities to challenges in communication and information sharing.

Despite the existence of general crisis response structures and tools such as BITS and Paragon, Belgium lacks a clearly defined and standardized framework for managing information related to foreign victims during emergencies. Existing practices are often ad hoc and vary between actors, depending largely on individual expertise and informal networks. This can lead to confusion about responsibilities, delays in communication with foreign representations, and even potential violations of victims' rights, particularly under international obligations and the EU General Data Protection Regulation (GDPR).

This thesis addresses this critical gap by evaluating past incidents and current procedures involving foreign victims on Belgian territory. Through case studies, expert interviews, and the analysis of real-life exercises, the study identifies systemic challenges and formulates concrete recommendations (in the form of policy advice). The aim is to contribute to the development of a national framework that enables a structured, respectful, and legally sound approach to handling foreign victims, while also supporting Belgian responders with clear procedures and coordination mechanisms.

1. Problem Statement

Although crisis management authorities had already to manage foreign victims in the past, there is no real process or agreement between the relevant crisis management partners (National Crisis Center (NCCN), the firefighters, doctors, the police, civile protection, emergency planning coordinators, locale authorities,...) regarding the processing of foreign victims' information and dealing with diplomatic representations. Whenever foreign victims are involved in a major incident, the handling of the victim's information is dealt directly on a case-by-case basis depending on the willingness of the actors off and on the ground. Despite the crucial role of information flow that is recognized by all, there is currently no clear framework to organize this.

In 2022, initial talks with all partners involved led to the establishment of a roughly outlined procedure. Since then, there has been much ambiguity about the division of tasks among the partners involved, that impacted directly on the way the information flow was organized. Questions arose as to which information should/can be shared by which service. This lack of clear stream of information does not only have a negative impact for the foreign victims, but also for the Belgian aid workers. Indeed, as the foreign victims are concerned, the study of the recent cases learned that foreign victim rights were not always fully respected. Although there have not been any legal complaints yet, a way to reduce the risks of misinformation and to avoid compromising someone's interest in a non-life threatening situation must be found. Furthermore, special attention should be given to situations where transferring victims' information to certain foreign authorities would be against international law, e.g. recognized refugees, asylum seekers,... As for the Belgian aid workers, the lack of clear stream of information may go against their work. Time is lost trying to (not) answer to embassies and finding a relevant Point of Contact.

The aim of this study is to make a thorough evaluation of the existing procedures and develop a practical framework (in agreement with the crisis management disciplines involved). This is achieved by analyzing the application of the existing procedures in past real-life incidents and evaluating them during exercises. In addition, the views and insights of experts are collected to improve the current procedures and make recommendations for the development of a practical action framework safeguarding the foreign victim's rights that could be supported by all partners involved in crisis management in Belgium .

This leads to the following research questions:

1. What are the specific procedures and protocols in place for managing (information related to) foreign victims during major incidents in Belgium? And what is the knowledge about this among the partners?
2. What are the needs and expectations of key stakeholders, including Belgian emergency services and foreign representatives (e.g. embassies, consulates)?
3. Which gaps or challenges have been identified in past incidents involving foreign victims in Belgium?
4. What lessons can be drawn from previous major incidents (in Belgium) to enhance the handling of foreign victims?

5. Which concrete recommendations can be formulated to improve current procedures and the coordinated response?

By answering the above research questions, the aim is to contribute to emergency planning and crisis management concerning major incidents involving multiple foreign victims. More specifically, the aim is to develop a practical framework in which all disciplines can agree, so that the division of tasks and responsibilities are clear for all partners involved in such incidents. This with a view to both more efficient handling in the field and full respect for the rights of foreign victims in Belgium.

2. Methodology

2.1. Qualitative research

This research probes how the procedures within major incidents involving foreign victims are applied in practice, what is the level of knowledge among partners about these procedures, and what lessons learned can be drawn from previous incidents to potentially improve current procedures.

This research focuses on major incidents, involving multiple foreign victims. In the ‘METHANE’ structure often used to describe a crisis situation, the ‘M’ stands for ‘Major incident’ (E = exact location, T = Type of incident, H = Hazards, A = Access, N = Number of casualties, E = emergency services). A ‘Major incident’ is then described as “an event or situation that goes beyond normal operations and involves serious harm, damage, or risk to human life, essential services, or national security. It requires special arrangements and an immediate response from one or more emergency responder agencies. In the context of health services, a major incident necessitates an extraordinary response from ambulance services, primary care, and hospitals” (Joint Emergency Services Interoperability Principles [JESIP], z.d.). Specifically for this thesis, a ‘major incident’ is thus determined depending on the scale of the incident and the number of foreign victims involved.

To answer the research questions, the knowledge and experience of experts is consulted, more specific experts within emergency planning and crisis management (including the 5 disciplines). Here, it is also interesting to analyze the handling of real incidents in depth. From this angle, a qualitative research design was therefore chosen instead of a quantitative one. This research will not measure quantity, but rather the quality of handling major incidents involving foreign victims. In other words, there will be an in-depth analysis of how the existing legislation and (theoretical) procedures were transferred to practice, what difficulties were experienced with their application and what lessons learned can be drawn (Bijleveld, 2013).

2.2. Evaluation-oriented research

The purpose of this research is also evaluation-oriented. An evaluative study looks at whether current procedures are delivering what they are intended to deliver and whether or not they need adjustment. Drawing up an evaluation of current practice inherently entails that only people familiar with this practice can participate in the research because only they have the necessary expertise (Bijleveld, 2013).

2.3. Multiple case study

As mentioned above, the purpose of this study is to evaluate and update existing procedures. A good way to do this is by looking at the handling of real incidents from the past. To achieve this objectively, it is desirable to look at several incidents. Thus, the focus is not placed on a single incident (case study). Hence, the method used is the multiple case study. This involves selecting and analyzing two or more cases that share some common characteristics or features, but which also differ in some aspects. The cases can be chosen based on different criteria. In this case, recent incidents in Belgium involving several foreign victims are selected (Dobber, 2021).

The purpose of a multiple case study is to arrive at a better understanding of the research topic. This allows the research topic, the application of procedures in major incidents involving multiple foreign victims, to be studied in different contexts and from different perspectives. Each partner organization looks at this procedure from its own perspective. Understanding the course of these processes and the factors influencing them contributes to better professional practice and to theory building on the research topic. 3 incidents will be looked at in depth. At the beginning of the discussion (see infra), these specific cases will be further outlined (Dobber, 2021).

2.4. Data collection method and sources

To analyze the cases, semi-structured in-depth interviews were conducted on the one hand, and on the other hand, other available written sources were used (e.g., documents from the NCCN, including the daily reports of the permanency) as well as information from the Incident Crisis Management System (ICMS) or Paragon. Both primary data (information collected directly by the researcher) and secondary data (information gathered by third parties for other purposes) were utilized (Bijleveld, 2013). A defining feature of a semi-structured interview is that “a portion of the questions to be asked is predetermined prior to the interview. The order in which the questions are asked is flexible, and respondents can answer freely”. This approach allows for follow-up questions or steering the interview in a different direction through “probing”. Qualitative research is also characterized by questions that are exploratory, open-ended, and less narrowly focused in nature (Bijleveld, 2013; Scribbr, 2021).

The questionnaire, which served as a guide, can be found in the appendix. As is customary, a number of introductory questions were asked first, followed by more in-depth questions referring to a specific incident or case. The questionnaire was slightly adapted or rearranged depending on the respondent’s profile (e.g., the discipline they belonged to). The questions were formulated at an expert level, assuming that the terminology used would be understood. (Bijleveld, 2013; Scribbr, 2021).

Of course, the method used has both advantages and disadvantages. One significant advantage of a semi-structured interview is that it allows respondents to address topics they consider relevant. This enables the researcher to gain new insights and a deeper understanding of the subject matter. Additionally, the interviewer can provide supplementary input, stimulating respondents to think critically about the cases. However, a drawback of this method is that respondents may stray from the central theme, potentially complicating the focus of the research. Furthermore, open-ended questions can result in answers that are harder to compare, making the evaluation of the results more complex (Bijleveld, 2013; Scribbr, 2021).

2.5. Research limitations

This research encountered some practical constraints. Both the limited resources available in terms of manpower and financial resources, and the limited time frame in which this research had to be carried out, cannot be disregarded. A face-to-face survey (interview) of a large number of respondents has many advantages, but was not always practically feasible. The benefit is that respondents open up more easily, but its implementation, however, requires a lot of time and involves high travel costs. Considering the geographical distribution of the respondents and the aim to reach as many as possible, it was chosen not to conduct every interview physically and in some cases to use Microsoft Teams. After all, the more respondents, the greater the depth of the research due to the range of different views and experiences. Individuals with different backgrounds, coming from different disciplines and from different services, look at the subject matter with different perspectives (Bijleveld, 2013). As mentioned above, expert knowledge and experience were consulted to address the research questions. The focus was primarily on operational field disciplines and several key services involved in managing major incidents in Belgium, including the Federal Public Prosecutor's Office, the National Crisis Center (NCCN), and the Federal Public Service (FPS) Foreign Affairs. No interviews were conducted with embassies or consulates. However, it would be valuable to include the perspectives of ambassadors and other diplomatic staff in order to better understand their specific needs. Diplomacy is a highly specialized field, and engaging directly with diplomatic representatives can quickly become sensitive. Therefore, the FPS Foreign Affairs, which maintains close relationships with embassies and consulates, was interviewed and considered representative of the broader diplomatic community.

Taking into account available resources and time, it was chosen to conduct 12 in-depth interviews (see infra for a concrete listing).

2.6. Selection of respondents

To answer the research questions, expert knowledge and experience is consulted. Prior knowledge on crisis management is a must in order to formulate an answer to the questionnaire because commonly used acronyms and specialist terminology are also reflected in the questionnaires. The respondents are certainly not a good reflection of the general population, which is however typical for a qualitative study, but do represent the services involved in the field (Bijleveld, 2013).

Taking into account the above limitations and the fact that the respondents must have some expertise, it was opted to interview someone of each discipline. The following people were interviewed:

Table 1: Overview of interviews

	Service	Name	Function
D1	Fire department network	Niels Bouwens	Association of Flemish Cities and Municipalities
D2	FPS Public Health	Wim Hermans	Psycho-social manager at the urgent assistance department
	Red Cross Belgium	Tom Van Asche	Domain Coordinator Disaster Relief
D3	PZ Pol Bru	Daniel Van Calck	Commissaris algemene directie operaties
D4	Civil Protection	Evi van Cleynenbreugel	Captain at Civil protection
D5	FDG Antwerpen	Vanessa Debacker	Dienst van de Gouverneur van Antwerpen
	PZ Antwerpen	Wouter Bruyns	Spokesperson local police Antwerp
Others	NCCN	Gail Van Hoever	Head of Operational Security Crisis Support
	Foreign Affairs	Salomé Peeters	Member of C 1.2 service (legal assistance) of Foreign Affairs (BUZA)
	Foreign Affairs	Florence Moreau	Member of C1.1 service (Victim Assistance) of Foreign Affairs (BUZA)
	Federal Public Prosecutor's Office	Lieve Pellens	Federal Magistrate and Victims' Reference Magistrate
	Local government	Jo Dedecker	Inter-municipal emergency planning coordinator for Schoten, Schilder, Ranst, Wommelgem, Zandhoven

2.7. Validity and reliability

The reliability of a study is about ‘how accurately was it measured’. Validity is about whether what was intended to be measured was measured.

Although the researchers have adopted as neutral an attitude as possible (despite complete neutrality being almost impossible in practice), the validity of the study was possibly compromised by the researchers' employer (being the NCCN, which is also an involved party in the proceedings). On the one hand, this may have led to some reluctance on the part of the respondents to speak openly and freely. On the other hand, respondents' answers may have focused heavily on the parts of the proceedings involving the NCCN. There was possibly a fear that voicing criticism would affect the good relationship between the two parties (Bijleveld, 2013).

Furthermore, this study is not externally valid, meaning that the results of this study cannot be projected to the rest of the population (or other partner services involved in the proceedings). Moreover, the respondents are not a representative group of society and/or other organizations within crisis management (Bijleveld, 2013).

As indicated above, secondary sources were used. These types of sources are rarely neutral, own experiences and the organization's background play an important role (Bijleveld, 2013).

3. Literature review

3.1. Belgian crisis management

Belgium's crisis management structures are designed to respond to various types of emergencies, such as natural disasters, public health emergencies, terrorist attacks, and large-scale accidents in an all-hazards approach (Nationaal Crisiscentrum, z.d.).

3.1.1. Multi-disciplinary (five disciplines) emergency response

Belgian crisis response is multi-disciplinary in structure. In Belgium, the roles of the various services involved are set out in what we call disciplines. There are five disciplines in total. The tasks and responsibilities of each discipline are explained in more detail below.

(1) Discipline 1

First Aid Rescue. This discipline focusses on rescue operations, ensuring the safety of people and property, and, when needed, mobilizing additional personnel and resources from the following disciplines. Firefighters are typically the first responders to many types of crises. Naturally, firefighters are responsible for extinguishing fires, whether in buildings, forests, or industrial settings, but they also play an important role in rescuing people trapped in vehicles or collapsed buildings. They also help to clear the public roads after a serious accident (Belgium.be, z.d.).

(2) Discipline 2

Medical, sanitary and psychosocial services. In Belgium, the Emergency Medical Services are a central component of the medical support system during crises. These services are responsible for providing immediate medical care and transporting patients to hospitals. The system is designed to work swiftly and efficiently, especially in large-scale emergencies. The tasks of this discipline also include taking measures to protect public health and creating a reception center for (relatives of) victims (Nationaal Crisiscentrum, z.d.).

(3) Discipline 3

Police. The police work closely with other emergency services like fire departments, medical teams, and civil protection to ensure a coordinated and effective approach to crisis situations. During the acute phase, the police are essential in maintaining public order, ensuring safety, and providing perimeters for easy arrival and departure of emergency services. The police are also responsible in identifying deceased persons (DVI) and launching the judiciary process (Service public Fédéral Santé publique, 2023).

(4) Discipline 4

Logistical support. Usually provided by Civil protection or Defense. The tasks of this discipline include providing additional personnel or (technical) equipment or even a location to help resolve a crisis. Logistical support is there to provide food and drinks to the victims of an emergency situation, but also to those involved in crisis management (Civiele Veiligheid, z.d.).

(5) Discipline 5

Information to citizens. The communicators are there to inform the population about a crisis, the measures taken and recommendations (e.g., close windows and doors) They inform the press to avoid any misinformation and aim to avoid wrong perceptions of a situation (panic) (Nationaal Crisiscentrum, z.d.).

3.1.2. Multi-level (three levels) crisis management

The structures are based on a multi-level governance approach, involving federal, regional, and local authorities, as well as public and private organizations.

During the management of an emergency or crisis, an operational coordination among the disciplines in the field is often necessary. An Operational Command Post (PC-Ops) is then established and is led by the Director of the PC-Ops who is the highest-ranking officer on-site. The Dir-PC-Ops must originate from the local rescue zone and hold a competency certificate. (Nationaal Crisiscentrum, z.d.).

In Belgium, crisis management is organized at three levels, on top of the operational coordination, in accordance with the Royal Decree of 22 May 2019, depending on the severity and the size of the crisis: (1) local (municipal), (2) provincial and (3) federal (Koninklijk besluit van 22 mei 2019 “*betreffende de noodplanning en het beheer van noodsituaties op het gemeentelijk en provinciaal niveau en betreffende de rol van de burgemeesters en de provinciegouverneurs in geval van crisisgebeurtenissen en -situaties die een coördinatie of een beheer op nationaal niveau vereisen*”). The tasks and responsibilities of each level are explained in more detail below. The five disciplines (explained above) can be found at each of the three levels of crisis management.

(1) Local Level

Local authorities are essential in Belgium's crisis management system. They are the first responders to crises and play a significant role in organizing and coordinating the response at the local level. Municipalities have their own municipal emergency and intervention plan, which they implement with support from regional and federal authorities.

When needed, the local authority (mayor) can set up a local coordination committee, where all disciplines are represented.

(2) Provincial Level

Each province is responsible for developing and maintaining a Provincial Emergency Plan. These plans outline procedures for dealing with large-scale emergencies that surpass the capacity of individual municipalities but do not yet require federal intervention.

Provincial Governors oversee the implementation of these plans. As in a local coordination committee, the Governor organizes and chairs a provincial coordination committee where the five disciplines are represented with the involvement of the local authorities.

(3) Federal Level

The federal government is primarily responsible for coordinating national crisis management efforts, especially for crises that affect multiple provinces or require a large-scale response. Key institutions at the federal level include the National Crisis Center (NCCN), Civil Protection, and Federal Public Services. Below is a more in-depth look at the tasks and responsibilities of the NCCN.

The National Crisis Center (NCCN) was created in 1988 under the name of CGCCR (Centre Gouvernemental de Coordination et de Crise - Coördinatie- en Crisiscentrum van de Regering) to serve as a reliable and neutral partner for governments, security services, disciplines and administration (Nationale Crisiscentrum, z.d.). The NCCN is a central body responsible for coordinating national crisis management. The NCCN is part of the Federal Public Service (FPS) Home Affairs. It acts as the main coordination hub during crises, managing information flow, resource allocation, and communication among different levels of government and agencies. One of the missions of the NCCN is to suggest precautionary and/or protective measures to protect people and institutions on Belgian territory (this mission may include also foreigners).

3.2. Foreign victims and their rights

As part of this thesis, the term "foreigner" used in "foreign victim" is defined as a person who is not Belgian in accordance with the Belgian Nationality Code (Wetboek van de Belgische nationaliteit 1984/2024). Or also, who falls within the definition proposed by the Law of 15/12/1980 on access to the territory, residence, establishment, and removal of foreigners (Wet van 15/12/1980 *betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen*).

Artikel 1. Voor de toepassing van deze wet wordt verstaan onder :

1° vreemdeling : al wie het bewijs niet levert dat hij de Belgische nationaliteit bezit;

Foreigners living in Belgium who are classified as "long-term residents" will not automatically be considered as foreigners within the scope of this thesis. Indeed, in order to qualify for this status, a foreign national must, among other conditions, "prove legal and uninterrupted residence in Belgium during the five years preceding the application for the status" and "hold health insurance covering risks in Belgium" (IBZ Vreemdelingenzaken, z.d.). These conditions imply that, unless the individual explicitly requests contact with their country of origin in the event of an incident, they can navigate the Belgian medical and social systems just like any other Belgian citizen.

In this thesis, the term "victim" is understood in a crisis situation context (such as a terrorist attack, major accident, or natural disaster), consequently the term "victim" refers to "Any person who suffers physical, psychological, or moral harm, or economic loss, as a direct consequence of the crisis event."

In conclusion, a "foreign victim" is someone who is not a Belgian citizen or long-term resident (i.e., a tourist, foreign student, migrant, or visitor) at the time of the event that caused harm, whatever its nature.

This term can be relevant in several contexts, particularly in relation to victim assistance, rights, and legal procedures under Belgian legislation. To better understand this, existing International and Belgian legislation is discussed below.

3.2.1. International victim rights

(1) The Vienna Convention on Consular Relations (1963)

The 1963 Vienna Convention on Consular Relations is an international treaty that establishes the legal framework for consular relations between sovereign States. Its aim is to ensure the proper functioning of consular missions and to protect the rights of nationals abroad (United Nations, 1963).

Its key points can be listed as follows:

- a) Definition and Consular Functions: Consular missions are responsible for protecting the interests of the sending state and its nationals, promoting commercial, cultural, and scientific relations, and assisting citizens in need.
- b) Inviolability of Consular Premises: The authorities of the host country cannot enter consular premises without permission.
- c) Immunity and Privileges: Consular officers enjoy certain immunities and privileges.
- d) Rights of Nationals: The convention guarantees that foreign nationals have the right to contact their consulate in case of arrest or detention.
- e) Obligations of States: States must respect the rules regarding consular missions and the rights of foreign nationals (United Nations, 1963).

The rights of Nationals are primarily described in Art 36 and Art 37.

Article 36 provides that "*consular officers shall be free to communicate with nationals of the sending State and to have access to them. Nationals of the sending State shall have the same freedom with respect to communication with and access to consular officers of the sending State;*" (United Nations, 1963).

The article is then completed by the obligation for a receiving State to inform "*without delay*" the embassy or consulate about the arrest of a foreign national and specifies that "*consular officers shall have the right to visit a national of the sending State who is in prison, custody or detention, to converse and correspond with him and to arrange for his legal representation*" (United Nations, 1963).

Article 37 provides that the host country must inform "*without delay*" the consular officers of the sending state if one of its nationals passes away or is placed under guardianship or trusteeship (United Nations, 1963).

Additionally, the article requires that consular officers be notified if a vessel flying the sending state's flag is shipwrecked or runs aground in the territorial sea or internal waters of the host country, or if an aircraft registered in the sending state is involved in an accident within the host country's territory.

The problem lies with the Vienna Convention giving no or little indication as to the content of the assistance to Nationals by their embassy. Whether in the event of the death or arrest of a national or disappearance of a vessel flying the flag of that State, there is no concrete information on how the Convention of Vienna applies to nationals involved as victims in a crisis or incident abroad. In practice though, the Convention of Vienna is often referred to, especially between EU countries to provide assistance to nationals in need, Belgian nationals included.

(2) The EU Directive 2012/29/EU

The EU Directive 2012/29/EU, also known as the “Victims' Rights Directive”, was adopted to establish minimum standards on the rights, support, and protection of victims of crime across the European Union. Its main objective is to ensure that all victims are treated with respect, receive adequate support, and are protected throughout criminal proceedings, regardless of their nationality or the Member State in which the crime took place (Directive 2012/29/EU, 2012).

This directive explicitly defines the term victim as *“a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence”* (Directive 2012/29/EU Art 2). Its application will therefore be limited in the context of this thesis, since the criminal aspect is not its primary focus characterizing the victim of a crisis situation in Belgium.

The Directive guarantees victims the right to clear and accessible information about their rights, available support services, and how they can participate in legal proceedings. This information must be provided in a language that the victim understands. Furthermore, it obliges Member States to ensure that free and confidential support services are available to victims before, during, and after proceedings. These services include emotional, psychological, and practical assistance tailored to the victim's needs (Directive 2012/29/EU, 2012).

Victims are also granted the right to participate actively in criminal proceedings, including the right to be heard and to present evidence. The Directive emphasizes the importance of protecting victims from further harm, such as secondary or repeat victimization, intimidation, or retaliation. Particular attention is given to vulnerable victims, such as children or victims of sexual violence, who may require extraordinary measures during investigations and trials (Directive 2012/29/EU, 2012).

To address these needs, authorities must carry out individual assessments to determine what protective measures are appropriate for each victim. Additionally, family members of victims—especially in cases where the victim has died or is dependent—are also entitled to support and protection under the Directive.

At the time of writing, the Proposal for a Directive of the European Parliament and of the Council amending Directive 2012/29/EU — which establishes minimum standards on the rights, support, and protection of victims of crime and replaces Council Framework Decision 2001/220/JHA — is still under review (European Parliament, 2023).

(3) The EU Regulation 2016/679/EU

The European General Data Protection Regulation (GDPR) or Regulation (EU) 2016/679, is the main legal framework for data protection in the European Union. It came into effect on May 25, 2018, repealing Directive 95/46/EC, and applies to all organizations processing the personal data of individuals located in the EU, regardless of where the organization is based. The GDPR aims to give individuals more control over their personal data, to harmonize data protection laws across the EU, and to increase the obligations of organizations that handle such data (Regulation EU 2016/679, 2016)

The Regulation is based on several core principles: data must be processed lawfully, fairly, and transparently; collected for specified and legitimate purposes; limited to what is necessary; accurate and kept up to date; stored only for as long as necessary; and handled with appropriate security. Organizations must also be able to demonstrate their compliance with these principles (Regulation (EU) 2016/679, 2016, Art. 5).

According to the Regulation, the processing of personal data is considered as lawful in only six instances: when the data subject has provided explicit consent for the processing of his or her personal data; when the processing is necessary for the performance of a contract to which the data subject is a party ; when the processing is required for compliance with a legal obligation to which the data controller is subject; when it is necessary to protect the vital interests of the data subject or of another individual; when the processing is carried out in the public interest or in the exercise of official authority vested in the data controller; or when the processing is necessary for the purposes of the legitimate interests pursued by the data controller or by a third party, provided that such interests are not overridden by the interests or fundamental rights and freedoms of the data subject, particularly where the data subject is a child.

The GDPR grants individuals a number of rights, including the right to access their personal data, the right to correct inaccurate data, the right to have their data erased (the "right to be forgotten"), the right to restrict or object to processing, the right to data portability, and specific rights related to automated decision-making and profiling.

Organizations, for their part, must ensure that they obtain clear and informed consent for processing personal data, provide transparent information about how the data will be used, and report data breaches to the relevant authorities and affected individuals within 72 hours. In some cases, they must also appoint a Data Protection Officer (DPO).

Non-compliance with the GDPR can result in significant penalties, including administrative fines of up to €10 million or 2% of an organization's global annual turnover, whichever is higher (Wikipedia, 2025).

(4) The EU Directive 2016/680

To complement the EU Regulation 2016/679 described above, the Directive 2016/680 on the processing of personal data by competent authorities (for law enforcement purposes) has been adopted and had to be transposed in every Member States' national law by May 2018.

Its objective is to ensure a high level of protection for individuals regarding the processing of their personal data by competent authorities for the purposes of the prevention, investigation, detection,

or prosecution of criminal offences, and the execution of criminal penalties (Directive EU 2016/680, 2016)

The Directive guarantees individuals similar rights as the EU Regulation 2016/679 but those may be limited to avoid obstructing legal investigations. In return, processing must be strictly necessary for the purposes of law enforcement and is usually based on legal obligations or tasks performed by competent authorities.

3.2.2. Victim Rights in Belgium

In Belgium, a foreign victim, by virtue of Article 191 of the Belgian Constitution, enjoys the same protection as Belgian citizen, except for the exceptions established by law (Belgische Grondwet, 1994, Art 191).

Accordingly, a foreign victim is entitled to the same rights as a Belgian victim in criminal matters (such as the right to file a complaint) and complementary amenities to guarantees those rights, for example the right to have an interpreter to receive and understand legal information. Foreign victims may also benefit from victim support services provided to Belgian citizens, including medical, psychological, and social assistance.

As Member State of the European Union, Belgium has to follow the EU regulations and to transpose the European Directives in its national laws.

Consequently, the EU victim rights Directive (EU directive 2012/29/EU) was transposed into our national law mainly through the Law of Nov. 21, 2016 on certain rights of persons under interrogation (Wet 21/11/2016 *betreffende bepaalde rechten van personen die worden verhoord*) and later through the Law of May 22, 2019 (*Wet tot wijziging van diverse bepalingen wat het politionele informatiebeheer betreft*).

Regarding data protection, the Belgian law of July 30, 2018 “*betreffende de bescherming van natuurlijke personen met betrekking tot de verwerking van persoonsgegevens*” was adopted to align national legislation with the European Union’s General Data Protection Regulation (GDPR) and to transpose the law enforcement directive 2016/680. This law repeals the previous Privacy Law of December 8, 1992.

The law of July 30, 2018, applies to any processing of personal data carried out in the context of activities by a controller or processor established in Belgium, whether or not the processing takes place within Belgian territory. Additionally, it covers processing involving individuals located in Belgium by controllers or processors not established in the EU, when the processing is related to the offering of goods or services to these individuals or the monitoring of their behavior within Belgian territory (Wet 30 juli 2018, Art. 4).

The law also defines the relevant public authorities, including the federal state, the federated entities, local authorities, certain public law legal entities, and associations formed by these authorities. It contains specific provisions for the processing of sensitive data, such as health-related information, enhancing their protection.

Non-compliance with this legislation can lead to criminal sanctions for controllers and processors. Furthermore, individuals concerned have the right to take legal action in the event of a violation.

Col 17/2012 on the respectful treatment of the deceased and unidentified unconscious victims

The Col 17/2012 on the respectful treatment of the deceased and unidentified unconscious victims is a circular, issued by the General Prosecutors' offices, that outlines the guidelines for managing incidents involving deceased individuals, emphasizing the dignity of the deceased, sensitive support for their relatives, and systematic victim identification. The circular provides a detailed framework to prevent secondary victimization, ensure proper communication, and standardize practices among authorities, particularly in cases of terrorist attacks or major disasters.

According to the Circular, authorities are required to prioritize the dignity of the deceased and the emotional well-being of their relatives. This includes conducting transfers of the deceased with decency, using appropriate vehicles and coffins, and respecting the mourning process as well as the religious or philosophical beliefs of the relatives. When relatives are present at the scene, they must receive assistance from trained police officers.

In cases of major incidents, relatives are directed to a dedicated relatives' support center for appropriate care. Death notifications must be made personally, respectfully, and as quickly as possible to prevent relatives from learning the news through the media or other indirect sources. Victim identification is therefore a priority and takes precedence over other investigative aspects unless specific circumstances dictate otherwise. Authorities must rely on material evidence and scientific methods for identification, and visual identification by relatives is discouraged to avoid errors. The Disaster Victim Identification (DVI) unit collaborates with forensic and police services to propose scientific processes for identification. The magistrate overseeing the case ensures adherence to established protocols, particularly in cooperation between the DVI and police victim assistance services. Relatives are informed about the role of the media and are warned about unverified reports or potentially distressing images that may be disseminated. Standardized templates and forms are provided for tasks such as victim identification and death notifications to ensure consistency and professionalism.

The COL17/2012 details the various mechanisms for treating deceased and unconscious Belgian victims, on Belgian territory. As such, the issue of deceased / unconscious foreign victims in Belgium is addressed only briefly in point 4.6 (Death notification) : *“When a foreign national dies in Belgium, the police contact the National Contact Point (PCN) of the federal police, which coordinates with foreign authorities to notify the deceased's relatives. The PCN also liaises with its foreign counterpart and ensures feedback is provided to the Belgian police service.”*, and later on in point 7.3 (under point 7. “Method for the Identification of Unidentified Unconscious or Deceased Victims Following a Terrorist Attack or Major Disaster”): that states that foreign victims are handled by the Federal Public Prosecutor's Office, which *“acts as a facilitator for contact with the FPS Foreign Affairs when there are foreign victims in Belgium (...)"*

3.3. Existing procedures

This chapter discusses the recent procedures to improve cooperation and information flow between departments. It is important to note that this is not an exhaustive list. Moreover, it does not elaborate on the specific procedures and tools within each discipline; that would take this thesis too far. The way in which the services work within their discipline is described in their monodisciplinary plans, think for example the MIP (medical intervention plan) or PSIP (psychosocial intervention plan) for D2 or the PIP (police intervention plan) for D3.

3.3.1. BITS, A tool from FPS public health

In the event of a mass emergency, the Federal Public Health Service (D2) is responsible for organizing medical and psychosocial assistance. One of its tasks is to draw up a list of all the persons involved in such situations. This list is used to direct the emergency services, to monitor all those involved and to inform victims' relatives. It also serves as a starting point for organizing assistance during a mass emergency (FOD Volksgezondheid, 2023). The Belgian Incident Tracking System (BITS) has been developed to deal with the complexity of compiling such a list in a crisis situation involving a large number of victims.

The BITS is a centralized system designed as follows: When an emergency occurs, all "alive" individuals involved (whether badly or lightly injured or uninjured witness) are assigned a unique barcode through a bracelet by the medical team on the ground. This bracelet serves as the link between the person and their data in the "BITS" system. Medical and psychosocial responders use the barcode to record and update the individual's information, such as their location (hospital), health status and care received. Among this information, are also the 'identification data' of the victim such as name, age, sex, language spoken and nationality.

The data are collected and updated in the system at key points of the emergency response: medical posts (VMP) for injured individuals, welcome centers for uninjured witnesses and hospitals. The responders (medical and psychosocial) can update the system with new information about the individuals such as their transfer to a new location, their health status or psychological needs and their identity once established.

Another important objective addressed by the BITS tool is the registration of requests to locate a loved one potentially involved in a collective emergency situation. In complex emergencies, it is common for people to search for missing loved ones who cannot be reached. The system enables first responders, via a call center or a reception center, to handle requests from worried relatives. Responders can consult the system to verify whether the missing individual has been registered in the emergency response chain. If the person is not found, detailed registration of the search request can assist, in certain cases, with identifying individuals whose identity has not yet been formally established, such as in cases involving deceased (in the medical chain) or critically injured and unconscious individuals.

3.3.2. Identification of the GDPR issues by the “workgroup 2022-2023” on foreign victims

After the incident of 10 April 2022 in Schoten (see point 4.1.2. of this thesis), it became clear that the processes regarding the treatment of information of foreigners' victims involved in an incident on Belgian soil were unclear and sometimes contradictory. The National Crisis Center (NCCN) decided to create a working group on this matter.

A first meeting was organized between the NCCN and the Foreign Affairs crisis cell on May 24 2022. The FPS Foreign Affairs (BUZA) made it clear that they are responsible for incidents abroad involving Belgian victims, while the FPS Home Affairs (BIZA) should be responsible for foreign victims in Belgium. The process of informing the consular and diplomatic services of possible foreign victims on Belgian soil is not part of the responsibilities of the FPS Foreign Affairs.

Following this first meeting, the NCCN decided to gather every other partner that has been involved in the Schoten incident in order to find a better and clearer solution for every service on January 31, 2023. In this meeting, some problems have been identified:

First of all, the issue of sharing the identities of the victims with their country of origin was raised by the federal Prosecutor's office, the Federal Police Administration and the NCCN. Some victims may not wish for their embassy/country of origin's authorities to be in possession of their personal data.

By extension, the issue of collecting personal data without explicit consent was raised. The problem of having an explicit consent of the victims, as described in the EU GDPR law, has been raised by several partners, especially the Medical services for whom, even a conscious victim (i.e. lightly wounded or unwounded having witnessed the incident), cannot always fully understand the impact of giving his/her consent to the use of their personal data.

Furthermore, as the Federal Prosecutor's Office pointed out, the proposal to wait for the victim's explicit consent seemed too impractical. In our modern societies, information has to be fast, and embassies are known to come directly into the field and use their own means to extract information more quickly. For these reasons, the creation of a legal framework not requiring the victim's consent but still taking into account the victim's best interest would be a better solution than asking the victim to give his consent.

Thirdly, The EU GDPR legislation and the Belgian law on personal data of 2018 do not allow the National Crisis Center to process personal data. Therefore, and contrary to what was wished by the workgroup, the National crisis center cannot (legally) endorse the role of communicator between victims and their embassies. This point is discussed in detail in point 4.3. of this thesis.

Finally, the transfer of personal data abroad represents an additional challenge, as even if a solution is found at the national level for data processing, the international transfer of such data — particularly outside the EU — lacks a clear and coherent international legal framework. For this to happen, it will be crucial that this (inter)national link is identified and benefits from a legislative framework that enables it to exercise this processing of personal data towards foreign authorities.

Unfortunately, the workgroup has not reached a clear conclusion on how to deal with personal data of foreign victims. However, some key take-aways could be identified:

- (1) The federal Public Health department announced that it was working on a legislative framework that will allow data to be shared without the need for the victims' consent.
- (2) The BITS enables personal data of victims to be shared with third parties such as the NCCN, the Foreign Affairs, or any other organization designated by the political level, provided that a cooperation agreement has been established and the necessary security measures regarding personal data are adhered to.
- (3) The partners were unable to reach an agreement regarding the responsibility for communication with the embassies. As an interim solution, the NCCN offered to be the link between the field and the embassies. However, to be in line with the GDPR requirements, the NCCN will not communicate any specific personal data, but rather the contact details of a Point of Contact (POC) on the ground.

3.3.3. Procedure established within the National Crisis Center

In its capacity as 24/7 service, the National Crisis Center forms a first point of contact for national and international authorities as well as partner services. The Operational Security and Crisis Support department, which hosts the 24/7 service, is composed of two sections.

On the one hand the ‘Operational Security’ section is responsible for the protection of people, institutions and infrastructure, the monitoring of demonstrations and the monitoring of high-risk or high-visibility events. Rather, this concerns maintaining public order. One of the missions of the NCCN is to suggest precautionary and/or protective measures to protect certain persons (including foreigners) and institutions on Belgian territory that are particularly subject to specific threats. As regards the measures protecting foreigners, one can distinguish two types of persons: the foreign dignitaries visiting Belgium as representative of their homeland, region, or international organization. For example Heads of States, Ministers, UN Representatives, ... and people residing in Belgium who have been threatened in the framework of their job functions, for example judges, police officers, political refugees as provided in the COL6/2004 on the Protection of public figures, state officials and private individuals under threat (COL 6/2004, 2024)

On the other hand, the ‘Crisis Support’ section is responsible for crisis monitoring and support. Therefore, the permanence of the NCCN has been designated national Point of Contact for many departments or services of international organizations that specifically deal with crisis management, such as the ERCC (European Emergency Response Coordination Center) or the IAEA (International Atomic Energy Agency). However, as a National Point of Contact the NCCN will not make the decisions on how to manage the crisis on their behalf, hence, the NCCN is and will be able to alert the relevant partners. For instance, when dealing with an international nuclear incident or threat, the NCCN will serve as national point of contact for international and foreign partners and will then alert the on-call member of the Belgian Federal Nuclear Control Agency (FANC), who will have the expertise and knowledge to make an informed decision.

In terms of dealing with foreign victims following a particular incident, the National Crisis Center has developed a specific procedure. This procedure distinctly applies to a crisis situation outside the terrorist scenario. Its aim is primarily to facilitate the flow of information among embassies, international institutions, and victims on the ground and to minimize disruptions that consular services might cause to first responders in the field. In order to respect the COL17/2012 (See Point

3.2.2.) and the police's work, the procedure does not apply to deceased or unconscious foreign victims.

The Procedure works as follows: When the NCCN is informed of the presence of foreign victims, via the national communication and mapping platform Paragon or via local partners (112, etc.), it will ask if these victims wish to receive consular assistance. This request can be made via the Paragon feed, by phone, or by email. If the answer is positive, the contact details of the Point of Contact (SPOC) on the ground, who can redirect consular services upon their arrival, will be given to the National Crisis Center. It is important to note that this consular assistance comes after the victims' health needs, so this information might be provided outside the acute phase of the incident. The NCCN will then contact the relevant embassy(ies) to inform them of the number of nationals seeking consular assistance and provide the contact details of the Point of Contact on the ground.

During the acute phase of the incident, the NCCN will inform the embassies of the presence or absence of nationals among the (conscious) victims and their numbers. As the number of people and the nationality are not considered to be data that can be used to identify a person precisely, they indeed do not fall under the GDPR legislation.

At the same time, information may appear in the press, and embassies may seek information about the presence of their nationals among the victims. EU Embassies have been informed that they should contact the NCCN and other non-EU embassies should be redirected in this manner by the services on the ground. The NCCN will do its utmost to ensure that embassies are properly informed. If, at the time of the call, no information has reached the NCCN concerning the presence of nationals of the embassy, the embassy's contact details will be taken by the NCCN, which will contact it again as soon as any information has been confirmed. If the NCCN has received confirmation that no nationals of the calling embassy are involved, it will provide this information. In the event of the confirmed presence of a national (who has requested consular assistance), the details of the contact point on the ground will be communicated to the embassy.

It is important to note that the NCCN does not proactively communicate with countries (or their embassies) that are rather sensitive given the geo-political context. A list of "safe" countries has been established, generally encompassing all EU and NATO Member States, with the exception of Turkey. This list serves as a global indicator and may be adjusted according to specific geopolitical circumstances at the time of the incident.

3.3.4. The National Victim Cell

Finally, it is impossible to discuss existing procedures without referring to the National Victim Cell, as defined by the Royal Decree of 18 May 2020 concerning terrorist attacks (*Koninklijk Besluit tot vaststelling van het nationaal noodplan betreffende de aanpak van een terroristische gijzelneming van terroristische aanslag*, May 18, 2020).

While the National Victim Cell is clearly relevant to the issue of foreign victims, it represents a highly specific case, characterized by additional complexities related to terrorism. Exploring it in detail would take us beyond the scope of this thesis.

Although the example of a national victim coordination body may serve as a source of inspiration for the creation of a new structure responsible for managing data on foreign victims, it cannot be replicated as such due to the unique circumstances associated with terrorist crises.

The National Victim Cell's main mission is to centralize and provide accurate information to victims, their relatives, and the general public. It works in close collaboration with emergency services, the police, judicial authorities, and social services to ensure coherent and effective communication.

This Cell is composed of several key actors during a terrorist attack: a federal magistrate designated by the Federal Prosecutor, a representative of the Federal Police from the General Directorate of Administrative Police (DGA) responsible for national coordination of victim support, and any other person deemed necessary by the president of the cell. The cell is chaired by the federal magistrate, who leads its operations without prejudice to the legal competencies of other members.

Unless otherwise decided by its president, the National Victims Cell meets at the offices of the National Crisis Center in Brussels for organizational and logistical reasons. A liaison officer from the unit is also assigned to participate in the working group of Discipline 2, as foreseen by the psychosocial and medical intervention plans (PSIP and MIP).

In addition to its main mission, the cell will focus on the facilitation of the victims' rights in the context of criminal investigation. The cell verifies and validates the information received through existing structures and places particular emphasis on identifying and managing the victims' designated points of contact.

The Cell maintains close collaboration with key bodies such as the Federal Coordination Committee (COFECO), the Federal Judicial Cell, the Information Cell (INFOCEL), and the Discipline 2 Working Cell.

4. Case study

With the completion of the literature review, the identification and analysis of relevant legislation concerning foreign victims, and the overview of current tools and procedures, this chapter turns to the examination of several past incidents in Belgium involving victims of foreign origin. The challenges encountered in these cases will be briefly discussed, as they serve as the basis for the development of the interview questions and responses presented in the subsequent chapters.

This section will also present two provincial exercises in which the procedure established at the NCCN level (as detailed in point 3.3.3) was tested.

Finally, this chapter concludes with an analysis of the various legal avenues available to the National Crisis Centre to enable more concrete involvement in the management of data related to foreign victims, proposed as a potential solution to the issues highlighted in the case studies.

4.1. Incidents on Belgian territory with foreign victims

Three incidents are discussed in more detail below. These are: 1) The case of ‘Basisschool Zuidzin’ (2021) 2) The case of ‘Schoten’ (2022) 3) The case of ‘Antwerp’ (2023).

4.1.1. The case of Basisschool Zuidzin of June 18th, 2021

On the afternoon of Friday, June 18, 2021, the “Zuidzin” primary school in the “Nieuw-Zuid” district of Antwerp collapsed. The building was still under construction and was scheduled to open at the start of the new school year in September. The NCCN was informed about the incident at approximately 2:45 PM via the ICMS portal. A scaffold and at least one wall had collapsed. It was estimated that around forty people might have been present (NCCN, 18 juni 2021).

Information regarding the victims and those present came in through various channels, and the figures varied significantly. The incident was managed through operational coordination, involving several specialized services. A speleo-team from DVI (Disaster Victim Identification – Federal Police), rescue dogs, and cadaver dogs were deployed to search through the rubble. Civil Protection provided support and heavy equipment to facilitate the search operation. Additionally, private companies were brought in, including a crane operator from a neighboring construction site who assisted in operating the tower crane. D5 was also closely involved and communicated with the public, among other means, through BE-Alert. An example of this communication:

“De hulpdiensten zoeken ook vannacht naar slachtoffers van de instorting van een stelling en gebouw op Nieuw Zuid. Hierdoor kan je hinder ondervinden. We vragen hiervoor je begrip. Heb je nood aan een gesprek? Bel naar of chat met Tele-Onthaal (24/7): 106 of <https://bit.ly/3gzGHvX>. Meer info op www.antwerpen.be.”

At approximately 15:30, the first CP-Ops (Command Post Operations) meeting took place. A summary of the minutes was uploaded to the ICMS platform. This provided, among others, the NCCN with an initial overview of the victims involved. The figures communicated at that time

were as follows: T1: 3, T2: 2, T3: 5, Missing: 6, Deceased: 1. At that point, no information was yet available regarding the nationalities of the victims (NCCN, 18 juni 2021).

At around 18:10, the NCCN received the first information concerning the nationalities of the deceased victims from the Federal Health Inspector. According to this initial report, five of the deceased were of foreign nationality, namely three Portuguese nationals and two Moldovan nationals. This information was subsequently communicated by the NCCN to the Federal Police (DAO) and the FPS Foreign Affairs. By around 9 PM, the identities of all eighty-eight employees of Kontrimo (the contractor's firm) working on the site, were known. It was hoped that this list would help identify the unknown victims (NCCN, 18 juni 2021).

Identifying and determining nationalities was difficult, some examples:

- At around 5:30 AM the next morning, the first victim was recovered from the rubble. It turned out to be one of the previously reported victims, but the individual was Romanian instead of Moldovan. Meanwhile, an unidentified victim woke up in the hospital and identified himself as Ukrainian, though this person was not known to the contractor (NCCN, 18 juni 2021).
- At around 8:30 AM, the NCCN received a phone call from the Portuguese consul requesting a list of victims. In the meantime, family members of the victims had also started arriving at the perimeter (NCCN, 18 juni 2021).
- Around 11 AM, an update on the nationalities was posted in ICMS, after which the NCCN informed the FPS Foreign Affairs and the consular representatives. The information stated:
 - o Injured: 4 Romanians, 2 Ukrainians, 1 Portuguese, 2 unconfirmed
 - o Deceased: 1 Portuguese, 1 Romanian
 - o Missing: 2 Portuguese, 1 Russian
- Meanwhile, consular representatives from Moldova also arrived at the perimeter seeking more information about potential victims from their country. Antwerp local police explicitly requested that embassies be informed via the NCCN. The NCCN called the Romanian consular representative, explicitly asking them to inform their embassy. The Portuguese consul was informed that all victims had been found, but that identification was still ongoing and could take some time. By this point, more than 24 hours had passed since the collapse (NCCN, 18 juni 2021).
- On Sunday morning, the NCCN was informed by the disaster coordinator of the City of Antwerp regarding the identification of the three remaining deceased victims. The NCCN passed the information to Foreign Affairs, which then informed the respective consulates and embassies (NCCN, 18 juni 2021).
- Meanwhile, the press had started reporting on the nationalities, with articles appearing that mentioned the victims' backgrounds. However, the information was not entirely accurate: *“The verdict is grim: five workers who were active at the construction site lost their lives, two Moldovans and three Portuguese. Around ten others were injured.”* (Schillewaert, 2022).

4.1.2. The case of ‘Schoten’ of April 10th, 2022

On the 10th of April 2022, a tragic road accident occurred when a bus driver lost control on the E19 motorway towards the Netherlands, near the small city of Schoten (Antwerp province), causing the vehicle to overturn. Emergency services were alerted by witnesses who reported an overturned bus without any other information on the type of bus or the victims’ situation (NCCN, 10 april 2022).

First responders arrived at the scene shortly after and found a grim situation: two fatalities were confirmed, and several passengers suffered from severe injuries, including amputations. Some managed to escape the wreckage, but others were trapped inside.

As the incident unfolded, it was determined that the bus was a touring coach with a French registration, operated by the company “Blablacar.” The driver was among the two confirmed fatalities, with twelve others suffering serious injuries. In total, there were thirty-three people onboard, a group of young individuals from various countries, both within and outside the European Union. The victims included two deceased, five with severe traumas, five moderately injured, thirteen lightly injured, and seven who were unharmed (NCCN, 10 april 2022).

Regarding crisis management, emergency protocols were swiftly activated. The Medical Discipline’s Mono-disciplinary Plan (MIP) was triggered, followed by the launch of the Psychological Emergency Plan (PSIP) to assist the victims and their families. A welcome center was set up for those who were unharmed but traumatized, including witnesses and families. Local and federal authorities coordinated efforts to manage the crisis, and a case was opened on the National Incident Management Platform (ICMS).

Victim identification became a priority, and as the process advanced, it was confirmed that the fatalities included individuals from Colombia and possibly France, although this required further verification. Other victims included two Canadians, one Mexican, two U.S. citizens, one Croatian, and two Germans.

Rapidly, embassies of the victims' countries, including France, Spain, and others, reached out to the National Crisis Center (NCCN) for updates. This incident was one of the first to highlight the lack of clear procedures for dealing with foreign victims in Belgium. It became apparent that the Ministry of Home Affairs (through the NCCN) felt that this was a matter for Foreign Affairs and that Foreign Affairs, on the contrary, felt that this was a matter for Home Affairs. As this specific crisis situation required it, the NCCN and Foreign Affairs worked together to manage the data of foreign victims and shared them with the respective embassies and consulates (NCCN, 10 april 2022).

By the end of the day, all victims had been evacuated from the scene, and traffic on the motorway resumed. The communal crisis phase was maintained until the following day, the 11th of April, when it was officially declared over. The tragic incident left two dead and numerous others injured, leaving a significant impact on all those involved (NCCN, 10 april 2022).

This incident was one of the key factors that exposed the lack of a clearly defined structure for managing inquiries from embassies and the handling of information related to foreign victims and triggered the creation of the working group mentioned in point 3.3.2 of this work.

Throughout the day of the incident, many first responders and hospitals indeed experienced significant disruptions due to the continuous influx of inquiries from embassy personnel. At the time, it was still unclear for most emergency services which ministry—Home Affairs or Foreign Affairs—held the official mandate to communicate with embassies regarding their nationals involved in the event. Simultaneously, the incident received extensive media coverage, and information concerning the nationalities of the victims was (erroneously) disclosed in the press.

4.1.3. The case of ‘Antwerp’ of March 18th, 2023

During the night of March 18-19, 2023, a serious traffic accident occurred in Antwerp, at the intersection of Kolonel Silvertopstraat and Sint-Bernardsesteenweg. At 03:40 AM, an emergency call was registered, reporting a traffic accident with ten victims, one of whom was in critical condition. Emergency services responded quickly, with firefighters, police, four ambulances, and two medical intervention teams (MUG) arriving at the scene. As the situation developed, it became clear that the accident involved a minibus (NCCN, 18 maart 2023).

By 05:47 AM, news agency Belga posted an article reporting eighteen casualties (one of them fatal). But at the time, the NCCN did not have the official information from the services on the ground. Identifying the victims initially proved challenging. At 08:49 AM, authorities confirmed that all passengers were British nationals from the Jewish community. They had been invited to Belgium by a Jewish organization and were on the road to catch a boat when the accident occurred. The minibus was traveling at excessive speed and had previously been involved in a minor collision, after which the driver fled the scene before causing the fatal crash. The final toll of the accident was confirmed: the driver was pronounced dead at the scene, one child suffered serious injuries but was not in life-threatening condition, and sixteen others were transported to various hospitals in Antwerp (NCCN, 18 maart 2023).

The National Crisis Center (NCCN) informed the Ministry of Foreign Affairs. They were unaware of the situation and had not any contact with the British embassy. The Antwerp police confirmed that the local authorities facilitated the communication with both the embassy and the victims' families (NCCN, 18 maart 2023).

4.2. Exercises 2024-2025

As a follow-up to past agreements, a procedure was developed within the NCCN (see point 3.3.3 of this thesis). To test this procedure, the NCCN participated in two exercises organized by the Governors of Limburg and Flemish Brabant respectively.

4.2.1. Exercise JOTA Sanicole

Context

On 18 September 2024, the provincial exercise ‘Jota’ was organized at the Sanicole site in Hechtel-Eksel. This provincial exercise was coordinated by the Emergency Planning and Crisis Management Department of the Governor of Limburg. The exercise was a field exercise in which all disciplines were involved. The exercise staged an incident involving a plane crash during the ‘Sunset Airshow,’ which was attended by 7,500 visitors of various nationalities.

The aim of the exercise was to evaluate the alert of the emergency services, their arrival on site and the various crisis management mechanisms on the ground. Given the scale of the disaster presented in the exercise, the triggering of the communal and provincial phases and the setting up of their respective crisis management committees were also assessed. Because the NCCN showed interest in this subject, the NCCN was invited to play the role of embassies during the exercise and assess the issue of the presence of foreigners among the many victims. This role was played remotely and via repeated phone calls.

The focus of the exercise was put on the real deployment on the ground of all the disciplines and physical meetings of CC GEM and CC Prov. As a consequence, the ‘international victim’ aspect of the crisis was only subsidiary evaluated, what was also reflected at the end of the exercise and in the evaluation report. (Evaluatieverslag Provinciale Oefening Jota, Noodplanning en crisisbeheer Limburg).

Participants

Operational Part

- CP-Event: The five disciplines were already present in a CP-event as part of the Sunset Airshow event.
- “Motorkapoverleg”: With Disciplines 1, 2, 3 and 4.
- CP Ops: all 5 Disciplines represented as well as the organizer of the event (Sanicole Airshow).
- Military services: Due to the type of event, the military services were already on site and executed the first rescue actions (first extinguishing, search and rescue and initial care of victims).

Policy Part

- CC-Gem: Communal Coordination committee: attended by the mayor and his Emergency planning coordinator (NPC) and representatives of the 5 Disciplines.
- CC-Prov: Provincial Coordination Committee: Governor of Limburg and his services as well as the 5 Disciplines.

Scenario

It is Saturday 21 September 2024. At the sold-out *Sunset Airshow of the International Sanicole Airshow*, visitors are enjoying the impressive air show until suddenly a plane loses control and crashes into the crowded VIP tent. The tent collapses and the downed plane quickly catches fire. People rush in all directions, chaos reigns. More than 7,500 visitors have to be accommodated. At some point, the presence of foreigners among the victims is reported in the press. Two nationalities are quickly identified: Venezuela and Argentina (pilots of the plane that crashed).

The first calls from embassies are made to local authorities (local NPC) and provincial authorities (Governor). The latter are unable to comment, as the first coordination meetings have not yet begun or are still underway. As part of the exercise, the telephone numbers that could be called by the embassies were provided in advance by the organizers to avoid any confusion with a real incident. After a few calls, the embassies were told that any official communication on the identity and situation of foreign victims would be made at provincial level. At the same time (10-minute gap), the Governor of Limburg officially asks the NCCN to contact the Venezuelan and Argentinean embassies to confirm the presence of nationals (1 per country) among the victims. The Governor's office can be called back by embassies wishing to have more information on their nationals. They are also asking embassies to be patient and not to call for a few hours. As soon as it is informed by the NCCN, the embassy of Venezuela contacts the Governor's office and asks for confirmation of fatality from Venezuela. The embassy also would like to know the cause of incident, where the victim will be taken, where its official can go to get more information... The Governor informs the embassy that the police will contact its services once the identity of the victims is confirmed. The police should have all the necessary information for the embassy. The exercise ended an hour later, and the provincial phase was lifted by the Governor's office.

Conclusion

It should be noted that Paragon's technical problems hampered the exercise, as it was not possible to obtain information on the various victims and communications that would have ended up in the press (for example) in the event of a real incident. As a result, some points could not be tested in depth, for example the presence of another nationality wrongly identified. Questions from embassies were transferred directly to the Governor. For both the embassy and the NCCN, it is commendable that the matter is being addressed at the highest level of authority. However, in practical terms, it is unlikely that the Governor himself will serve as the primary point of contact on the ground or be able to dedicate sufficient time to foreign victims and respond to embassy inquiries. The death of a Venezuelan national was confirmed to the NCCN by the Governor, but it is doubtful that in a real-life situation, the victims would be identifiable without the work of the police (DVI). The NCCN cannot transfer information about a deceased person to an embassy without confirmation from the police. Therefore, the Governor's reaction to say that the police would contact the embassy directly seemed to be the best solution, in order to avoid any conflicting information.

In the event of a real incident, it is also likely that embassies will insist on obtaining more information about surviving victims. This aspect was not really assessed in the exercise, as the embassy was redirected to the police, who would not be able to provide information about the whereabouts (hospital, reception center) of its other nationals. Finally, the issue of consular assistance requested by other victims was also not raised, with all the GDPR implications that this entails for victims who did not actually request this assistance.

4.2.2. Exercise HERMES (organized by Province of Flemish Brabant)

Context

On Wednesday 11 December 2024, the provincial Cri-Prak exercise was organized by the services of the governor of Flemish Brabant. The exercise consisted of an operational part played in a virtual simulation and a policy part where the provincial coordination committee was activated.

During this exercise, the special “highway” emergency and intervention plan was also tested. The fictitious incident site was set on the E314 highway in the territory of Aarschot. No resources were deployed on the site itself by the intervention services. The simulated incident only took place in virtual reality and evolved based on the decisions of the exercise participants.

However, the CP-Ops was effectively manned and activated at the Provincial Institute for Training and Education (PIVO) where the virtual exercise was supervised. The “motorkapoverleg,” other consultation moments in the CP-Ops and coordination meetings in the provincial crisis center were played in real time. Notifications in the context of the exercise were done in real time by the various dispatching centers: the emergency center 112, the communication and information center Flemish Brabant (CIVLA) and Provincial dispatching of fire brigade (PRODIS).

The NCCN was asked to participate in the exercise as the specific scenario involved some foreign victims. In real situations, the NCCN is not part of the provincial coordination committee but will monitor the situation from its premises (Brussels). Considering the research design of this thesis (evaluation of current procedures), it was chosen to physically participate in the exercise to gain a better understanding of all responsibilities of all disciplines involved.

Participants

Operational Part

- CP Ops: all 5 Disciplines represented at Campus Vesta (Ranst)

Policy Part

- The CC-gem: Communal coordination committee was not replicated and did not meet physically. However, the mayor (Aarschot) did participate in the CC prov.
- CC-Prov: Provincial coordination committee: Governor of Flemish Brabant and his services as well as the 5 Disciplines, an expert in water, NCCN, the Prosecutor’s office.

Scenario

The scenario was partially written based on a real incident. It involves a collision between a tanker truck carrying Benzoyl Chloride from the company Vervaeke and a FlixBus coach. The incident was simulated on the E314 highway in the direction of Lummen. The truck overturns, causing its cargo (a toxic substance) to be released. The FlixBus is catapulted across the central reservation and comes to a stop in the opposite lane. The released toxic substance gradually flows into the Motte (a stream – a tributary of the river Demer).

During the exercise, the situation escalates to a provincial phase. To limit the duration of the exercise, it was decided not to declare the municipal phase. During operational coordination, a communication was sent to the mayor indicating the need for policy coordination. Given the

impact of the incident, the mayor contacts the governor's emergency planning department (via the emergency number). After this consultation with the governor, the provincial phase is declared.

The members of the provincial coordination committee gathered on 11 December at 11.15 am at the provincial crisis center in Leuven, where a short briefing on the exercise was given.

After receiving a notification (alert) through the usual channels (emergency center 112, CIVLA, PRODIS), the members of the provincial coordination committee made their way to the concrete crisis room of the provincial crisis center according to the established access procedure, where the exercise could proceed.

For this study, the section regarding foreign victims is particularly interesting. Below is an overview of the victims and their nationalities and the extent of the injury (T1 > T2 > T3). T1 refers to individuals who are critically injured and often in mortal danger. T2 denotes injured individuals who are not in mortal danger, while T3 pertains to those who are likely to be slightly injured. This triage technique is employed by the medical discipline to prioritize the treatment of victims. The last column displays the decision taken.

Table 2: list of victims in the HERMES exercise

Country	Number	T1/T2/T3	Decision according to procedure NCCN (at that moment)
Netherlands	3	T3	Request consular assistance if possible. But it is not a "sensitive country." So, communication on the number of victims involved is not a problem.
France	1	T3	Request consular assistance if possible. But it is not a "sensitive country." So, communication on the number of victims involved is not a problem.
Pakistan	1	T1	Unconscious victim (COL17/2012)
Bulgaria	1	Deceased	Deceased victim (COL17/2012)
Syria	3	T2 + T3	Request consular assistance necessary. + Check possibilities for refugee status (?)
Turkey	2	T2 + T3	Request consular assistance necessary because it is a "Sensitive country" (Turkey is not an EU member).

Conclusion / evaluation

- The passengers on the bus were only identified late. It was difficult to obtain an exact list of the affected individuals.
- A BITS case was created to track the victims throughout the entire emergency response chain.
- Regarding the issue of foreign victims, there is a need for a general, theoretical, and clear (national) legal framework. In practice, the exercise went relatively smoothly due to the good cooperation between the different disciplines. A SPOC was appointed on-site to ask conscious victims the question, "Do you require consular assistance?" via D2.
- The NCCN played its role as an intermediary with the embassies (to keep them as much as possible away from the field and to reassure those embassies whose nationals were not involved).

- In reality, embassies want to visit their nationals in the hospital as soon as possible, but this was not discussed during the exercise. In this regard, the consent of the victims themselves is crucial for the disclosure of their identity. Only conscious victims can provide such consent. For this reason, extreme caution must be used when communicating nationalities, as victims could have a protection status in our country. The importance of a proper procedure for communicating nationalities was highlighted.
- D5 was correctly informed of the need to be cautious in its communication regarding (foreign) victims.
- The role of the Federal Police regarding deceased victims was clear (COL 17/2012). The division of tasks between the parties proceeded fairly smoothly. Everyone seemed aware of their tasks and responsibilities.
- The question was raised as to what extent the NCCN, through its contacts with, among others, the FPS Foreign Affairs, and the Immigration Office, can respond to very specific requests (e.g., checking status, contacts with 'difficult' countries such as Syria). This remains an open question, as there are no standardized collaboration procedures yet to obtain and share this information quickly with other partners.
- According to the emergency planning service of Flemish Brabant, having a representative from the NCCN present in the CC-Prov was an added value (even though this is not foreseen in the usual emergency planning structures).

4.3. Legal analysis

Following the disruptions identified in past cases and the discussions of the working group, the ability for the National Crisis center to collect, process and transfer personal data in accordance with the EU GDPR regulation has been studied further in detail with the legal department of the NCCN. The main conclusions are as follows.

As a European Regulation, the EU 2016/679 GDPR automatically applies to Member States without requiring national transposition. However, to respect Member States' sovereignty in areas such as Defense, Justice, and Police Affairs, Regulation (EU) 2016/679 deliberately remains vague regarding the definitions of "competent authority" and "reasons of public interest," as well as the conditions for exceptions. That is why Recital 19 of the Regulation states that:

"Personal data processed by public authorities under this Regulation should, when used for those purposes (i.e. the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security), be governed by a more specific Union legal act, namely Directive (EU) 2016/680 of the European Parliament and of the Council (7)" (Regulation EU 2016/679, 2016).

Unlike a Regulation, a Directive must be transposed into national law to be considered binding. Directive 2016/680 was therefore transposed into our legislation through the law of July 30, 2018, as stated in its Article 27:

“Deze titel is van toepassing op de verwerkingen van persoonsgegevens door de bevoegde overheden met het oog op de voorkoming, het onderzoek, de opsporing of de vervolging van strafbare feiten of de tenuitvoerlegging van straffen, met inbegrip van de bescherming tegen en de voorkoming van gevaren voor de openbare veiligheid.” (Wet betreffende de bescherming van natuurlijke personen met betrekking tot de verwerking van persoonsgegevens, 30/07/2018)

These competent authorities are specified in Article 26, point 7 of the law, which explicitly lists them (Police services, judicial authorities, the General Administration of Customs and Excise, the Passenger Information Unit, CUTA, etc.).

This leads to the first issue: the National Crisis Center (NCCN) is not included in these exceptions. Consequently, the law of July 30, 2018, confirms that the National Crisis Center must comply with GDPR provisions and cannot invoke the exception of Article 2(d) of the EU Regulation 2016/679, which allows competent authorities to process personal data *“for the purposes of preventing and detecting criminal offenses, investigating and prosecuting such offenses, or executing criminal sanctions, including protection against threats to public security and the prevention of such threats”* without meeting the conditions set by Regulation (EU) 2016/679.

The NCCN's missions could fall under Article 2.2(a) or 2.2(b) of Regulation (EU) 2016/679, which allows for exceptions for activities outside the scope of Union law. However, in its Article 2, the Law of July 30, 2018, confirms that GDPR applies to all other missions not related to the Union unless an exception is provided by law, as it was done for example for the Veiligheid van de Staat/Sûreté de l'Etat (VSSE) or Defense. This exception was not made for the NCCN.

On the contrary, in the law of July 30, 2018, the National Crisis Center clearly falls within the definition of a "federal entity" as stated in Article 5, which must comply with GDPR standards as defined by Regulation (EU) 2016/679.

Art 5: De definities van de Verordening (EU 2016/679) zijn van toepassing.

Voor de toepassing van deze wet wordt verstaan onder "overheid":

1° de Federale Staat, de deelstaten en lokale overheden;

2° de rechtspersonen van publiek recht die van de Federale Staat, de deelstaten of lokale overheden afhangen;

3° de personen, ongeacht hun vorm en aard, die:

- opgericht zijn met het specifieke doel te voorzien in behoeften van algemeen belang die niet van industriële of commerciële aard zijn; en

- rechtspersoonlijkheid hebben; en

- waarvan hetzij de activiteiten in hoofdzaak door de overheden of instellingen vermeld in de bepalingen onder 1° of 2°, worden gefinancierd, hetzij het beheer onderworpen is aan toezicht door deze overheden of instellingen, hetzij de leden van het

bestuursorgaan, leidinggevend orgaan of toezichthoudend orgaan voor meer dan de helft door deze overheden of instellingen zijn aangewezen;

4° de verenigingen bestaande uit één of meer overheden als bedoeld in de bepalingen onder 1°, 2° of 3°.

One solution would be to add a chapter on the National Crisis Center to Title 3 of the Law of July 30, 2018, largely replicating its major partners while limiting it to missions that require an exception. However, this solution would depend on political willingness and government approval.

It should be noted that the National Crisis Center is currently working on a legal text codifying the various crisis mechanisms. Among the various themes covered, an in-depth work is being conducted in partnership with the Public Health Department on the management of personal data and its processing within the BITS framework. This law has not yet been officially communicated at parliamentary level, so it remains difficult to know in advance which points will be maintained and approved. Following the parliamentary approval, the law would allow emergency services to process and transfer the data of foreign victims to international and foreign institutions (embassies) in compliance with GDPR standards, but also in compliance with other laws and guidelines applying to the processing of victims' data in the event of a crisis (e.g. COL 17/2012).

4.3.1. Compliance with GDPR obligations

Now that it has been defined that, at present, the National Crisis Center cannot derogate from the application of EU Regulation 2016/679, the next part will analyze which Articles would allow the potential gathering and processing of personal data of foreign victims during an incident.

To comply with the obligations of Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27, 2016, concerning the protection of individuals regarding personal data processing and the free movement of such data, every public service must maintain a record of processing activities in which all processing operations involving personal data are recorded.

As a result, each NCCN service that processes personal data must legally maintain an up-to-date record of processing activities carried out under its responsibility, in accordance with Article 30 of the GDPR.

For collecting and transferring personal data, the Crisis Center will use various measures provided by Regulation (EU) 2016/679, specifically:

- Article 6 §1(a): "*The data subject has given consent to the processing of their personal data for one or more specific purposes.*"
- Article 6 §1(e): "*Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.*"

To justify the use of Article 6 §1(e), the National Crisis Center can refer to the Royal Decree of April 18, 1988, establishing the Governmental Coordination and Crisis Center (KB tot oprichting van het Coördinatie- en Crisiscentrum van de Regering, 18/04/1988) and the Royal Decree of January 14, 2002, establishing the Federal Public Service Interior (KB houdende oprichting van de Federale Overheidsdienst Binnenlandse Zaken, 14/01/2002) as the legal basis for its public interest mission.

This point is also subject to debate. Referring to the legal basis of the GDPR, and therefore the Belgian Constitution, Article 22 that states that everyone has the right to respect for his private and family life, except in the cases and conditions established by law.

Art 22. Ieder heeft recht op eerbiediging van zijn privé-leven en zijn gezinsleven, behoudens in de gevallen en onder de voorwaarden door de wet bepaald.

Therefore, according to the Belgian Constitution, a public authority can only derogate from this right if a law provides for it. However, the Royal Decrees mentioned earlier, which could serve as a legal basis, are not legally considered as a law. This means that, strictly speaking, the National Crisis Center lacks a constitutional legal basis for privacy-related matters.

A counterargument is that the Royal Decrees of 1988 and 2002, which define the missions of the Crisis Center and the Federal Public Service Interior, do not rely on a specific law but directly on the Constitution. This could imply that they should be considered a valid legal basis equivalent to a law. However, this counterargument has not been confirmed by the Data Protection Authority (DPA).

4.3.2. Processing of sensitive data

For sensitive data, as defined in Regulation (UE) 2016/679, Art 9 §1 (e.g., *racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data, health data, or data concerning a person's sex life or sexual orientation*), in addition to the legal basis under Article 6, an additional condition from Article 9 must be met. In the case of the National Crisis Center, only two points of Article 9 appear relevant:

- Article 9.2(a) GDPR: "*The data subject has given explicit consent to the processing of their personal data for one or more specific purposes.*"
- Article 9.2(e) GDPR: "*Processing relates to personal data which are manifestly made public by the data subject.*"

However, not all Data Protection Officers consulted share the view that Article 6 should always serve as the base for data processing, with Article 9 as an additional requirement for sensitive data. This point remains open to interpretation.

The exception provided in Art 9 2.g) of Regulation EU 2016/679 "*processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;*" cannot be invoked as this exception has been very clearly transcribed in Article 8 of the Law of July 30, 2018, which limits its use to associations working for the defense of human rights, for helping missing and exploited children and for helping sexual offenders:

Art. 8.§ 1. In uitvoering van artikel 9.2.g) van de Verordening worden de hieronder vermelde verwerkingen beschouwd als noodzakelijke verwerkingen om redenen van zwaarwegend algemeen belang :

1° de verwerking door verenigingen met rechtspersoonlijkheid of stichtingen die als statutair hoofddoel de verdediging en de bevordering van de rechten van de mens en van de fundamentele vrijheden hebben, verricht voor de verwezenlijking van dat doel, (...);

2° de verwerking beheerd door de stichting van openbaar nut "Stichting voor Vermiste en Seksueel Uitgebuite Kinderen" voor de ontvangst, de overzending aan de gerechtelijke overheid en de opvolging van gegevens betreffende personen die ervan verdacht worden in een bepaald dossier van vermissing of seksuele uitbuiting, een misdaad of wanbedrijf te hebben begaan;

3° de verwerking van persoonsgegevens die het seksuele leven betreffen, verricht door een vereniging met rechtspersoonlijkheid of door een stichting met als statutair hoofddoel de evaluatie, de begeleiding en de behandeling van personen van wie het seksueel gedrag gekwalificeerd kan worden als een misdrijf en die voor de verwezenlijking van dat doel door de bevoegde overheid worden erkend en gesubsidieerd (...)

For obvious reasons, the National Crisis Center does not fall into any of the three categories listed above and therefore cannot invoke Article 9(2)(g) of Regulation (EU) 2016-679 to collect sensitive data.

4.3.3. International data transfers

With the entry into force of Regulation (EU) 2016/679, data protection has been harmonized across the EU, ensuring that personal data transfers and processing respect citizens' rights and freedoms throughout the Union.

For the European Commission, there is no guarantee that non-EU countries offer a level of protection equivalent to Regulation 2016/679. The adequacy of non-EU countries' safeguards must be assessed on a case-by-case basis. Therefore, *"each transfer must be supported by extensive legal, technical, and organizational safeguards ensuring an equivalent level of protection as provided by the GDPR,"* and these measures must be demonstrated by the data controller, including the National Crisis Center.

Exceptions are provided under Article 45 of the Regulation. For example, legal protection measures are unnecessary if the European Commission has determined that a third country, a specific sector within that country, or an international organization ensures adequate data protection. A list of countries benefiting from an adequacy decision is available on the EU website (International Data Transfers, edpb.europa.eu).

In the absence of an adequacy decision, the transfer of personal data to a third country or an international organization cannot take place unless Article 49 of the GDPR Regulation is invoked. However, the use of these exceptions should be considered very restrictive. In the case of the NCCN, point (a) ("the data subject has explicitly consented to the proposed transfer") must be very clearly defined (Oberlandesgericht Köln, 2023).

The 1963 Vienna Convention, being by definition a legal instrument, does not constitute a contract that would allow the application of the exception stipulated in Article 49(b). ("the transfer is necessary for the performance of a contract between the data subject and the controller")

On the other hand, case law, for example in Ireland (IEHC, 2023) or the GBA case law (Gegevensbeschermingsautoriteit, 2022) provides possibilities for the NCCN to invoke the important public interest ground (Article 49(d)) for the international transfer of data “*for important reasons of public interest.*” Although, it would necessitate a lot of paperwork to justify the public interest in accordance with the national crisis center missions.

To invoke the exception provided in Article 49(f) — “*The transfer is necessary for the protection of the vital interests of the data subject or of other persons, where the data subject is physically or legally incapable of giving consent*” — one must refer to Recital 112 and understand that the vital interest of the person must be interpreted in its most restrictive sense. In other words, it must be proven either that the transfer of data abroad will save the person’s life or that the person is physically or mentally incapable of giving consent, which is very difficult to prove for an entity that is not in direct contact with the data subject and therefore cannot conduct medical or psychological assessments.

Finally, and this is the most crucial point, none of these exceptions could be used by an authority that is not considered competent. This means that contact with embassies of foreign nationals in Belgium and/or, more generally, victim assistance must be legally recognized as a mission of the National Crisis Center.

5. Interviews (experts conclusions)

Now that the literature review has been conducted, the relevant legal research completed, and various real-life cases and exercises examined, this section summarizes the insights provided by experts in response to the questions formulated by the authors.

As outlined in the methodology section, a standard set of questions was developed based on the findings of the previous research stages and subsequently submitted to selected experts. Depending on their responses, additional follow-up questions were asked in order to gain a deeper understanding of the situations described. These expert interviews were designed to address the research questions presented in the problem statement of this thesis.

5.1 Existing procedures for information management on foreign victims

These chapters reflect the outcome of the interviews conducted with various actors involved in emergency management. This first chapter answers research question 1) *“What are the specific procedures and protocols in place for managing information related to foreign victims during major incidents in Belgium? And what is the knowledge about this among the partners?”*

Although procedures are well-developed, the presence of foreign victims introduces specific challenges according to the interviewees. The following themes emerged from the analysis.

5.1.1. Legal framework and division of responsibilities

Several respondents referred to the 2019 Royal Decree on Emergency Planning and the monodisciplinary emergency plans as their legal foundation. For some disciplines, such as the medical services (Discipline 2), tasks are clearly defined, although the responsibility for compiling a victim list is not always explicitly assigned. In contrast, actors such as the Brussels police note that the division of roles around victim management is more operational than legal, depending largely on established interagency cooperation.

Some services, including the federal police and local emergency planners, expressed that no formal legal framework governs their role in victim information management. Instead, they rely on informal arrangements, tacit agreements, and pragmatic work divisions developed over time.

5.1.2. Internal procedures and standard practices

Despite the lack of a detailed legal framework, many agencies have developed internal procedures. The National Crisis Centre (NCCN), for example, uses a standard approach for determining what information is shared, with whom, and under which conditions. Key data, such as the number of victims, their nationalities, and survival status are seen as essential for determining whether federal support is needed.

Discipline 2 (medical services) also has standard procedures for gathering and managing data on victims, including the injured, the missing, and those unharmed. This process is coordinated with

hospitals, the Red Cross, and local actors, aiming to ensure accurate information for families and facilitate appropriate medical, psychosocial, and repatriation support.

The police (particularly the DVI unit) play a central role in victim identification, often in cooperation with families, embassies, or through official documentation. The Brussels police zone noted that embassies are often considered as the primary point of contact for next-of-kin.

At the federal prosecution office, the updated COL 17/2012 now explicitly includes guidelines on handling foreign victims. The introduction of dedicated identification judges illustrates a formalized and coordinated judicial approach. At the same time, the prosecution service underlined the importance of flexibility, as each incident brings unique circumstances.

5.1.3. Communication tools and information sharing

Different tools are used to register victims and share information. The BITS system, introduced after the 2016 Brussels attacks, replaced the previously paper-based registration and is now accessible to medical and psychosocial services. Paragon is also widely used, although many respondents still prefer phone calls, particularly when dealing with embassies, because of their speed and reliability.

Some services use their own internal systems, such as ‘Focus’ or ‘Signal-groups,’ alongside national platforms. These tools help create a shared operational picture, even though access is sometimes restricted or limited to specific disciplines.

5.1.4. Approaches to foreign victims across disciplines

While the presence of foreign victims adds complexity, most procedures remain identical regardless of the victim’s nationality. First responders, such as fire services (D1) and Civil Protection, act according to the nature of the incident (e.g., fire, chemical spill, road accident), not the background of those involved.

However, communication strategies may be adapted. Respondents noted that English is often used as a working language, and visual tools or pictograms are employed to overcome language barriers.

Public communication services (D5) focus on informing the general population, not on individual victim information. Nationality is not typically mentioned in early communication unless the incident has a local impact. A D5 representative from Antwerp noted that nationality data is accessible via police systems but is not prioritized in public messaging.

Since 2016, medical services have systematically registered victim nationality. This change followed the Brussels attacks, which highlighted the need to structurally integrate nationality into triage forms. Nonetheless, this information does not affect how victims are treated during the first response phase, when all individuals receive equal care.

5.1.5. Nationality: not a priority, but increasingly relevant

A recurring theme across interviews is that nationality is not a priority during the initial response phase. The focus is on life-saving actions, stabilizing the scene, and providing emergency care. Both the NCCN and Brussels police emphasized that nationality becomes relevant for contacting embassies, informing relatives, or coordinating repatriation. Also, the local emergency planner highlighted that nationality becomes important during administrative follow-up or diplomatic coordination. In the early hours of an incident, such as a highway accident or event at a tourist site, rescuers often rely on assumptions about nationality, based on car registration plates or location, due to the lack of verified passenger information. This issue was especially evident in incidents like the BlaBlaCar accident, where obtaining accurate contact or passenger details was extremely challenging.

5.2 Needs and cooperation among involved services

This chapter answers research question 2) *“What are the needs and expectations of key stakeholders, including Belgian emergency services and foreign representatives (e.g. embassies, consulates)?”* Based on interviews with various actors, this section outlines how cooperation unfolds during incidents involving foreign victims, which partners are considered relevant, and where gaps or challenges persist.

5.2.1. Key actors and cooperation dynamics

Each interviewed stakeholder identified the partners they consider most relevant during incidents involving foreign victims.

For the National Crisis Center (NCCN), the police, both local and federal, are the primary partners. They provide critical information about the nature of the incident, the number and identity of victims, the presence of damage, and the broader impact (e.g., on traffic). Based on this assessment, the NCCN activates other relevant partners, for example: the Federal Public Service of Transports in case of traffic disruptions, or the regional body responsible for environmental pollution in the event of an incident. Federal Public Health services are contacted when there are many injured.

The Brussels Police (PolBru) also recognize the Ministry of Foreign Affairs as a key partner but express frustration at delays, particularly during weekends or at night. For instance, a query regarding the status of a diplomatic building remained unanswered a whole weekend, a delay considered unacceptable in emergencies. While acknowledging the limitations of other services, PolBru strongly advocate for a permanent emergency contact point for incidents involving foreign nationals. Although the protocol department of Foreign Affairs is accessible 24/7 for diplomatic matters, no equivalent exists for incidents with foreign victims. The police propose a centralized coordination mechanism or a contact list of embassy representatives. While personal contacts are sometimes criticized, PolBru believe they often enhance operational efficiency due to trust and familiarity.

From the perspective of the Federal Prosecutor’s Office, formal judicial cooperation tools, such as the European Investigation Order, are essential for lawful cross-border information exchange. However, engagement from foreign embassies is inconsistent, and information sharing is often

hindered by privacy legislation (e.g., GDPR). The Prosecutor's Office highlights that some countries, particularly those with liaison magistrates in Belgium (e.g., France, the Netherlands), collaborate more effectively, while others lack both structure and engagement.

5.2.2. Operational perspectives on the first responders

The D5 interviewees emphasized the importance of frontline emergency services, medical personnel, fire brigades, Civil Protection units, and others, who are immediately active at the scene. Regular training exercises (e.g., with industrial companies or schools) help improve inter-agency coordination. In incidents with fatalities, cooperation with judicial authorities becomes especially vital. Communication protocols are well established, and coordination with public prosecutors is described as smooth. When foreign victims are involved, the NCCN, the Prosecutor's Office, and local governments become essential partners. The Prosecutor's Office typically defines what information can be released, particularly during ongoing investigations.

A firefighter (D1) echoed these views, advocating for streamlined crisis structures. He warned against the chaos that can result from excessive involvement of higher authorities and emphasized that local municipal or provincial crisis centers are best positioned to manage foreign requests, including those from embassies. D1 emphasized the crucial logistical, translation, and aftercare roles that embassies can play during and after an incident.

From the medical side (D2), the police play a central role in notifying victims' families, domestically and abroad. Current coordination methods are seen as effective, with no pressing need for new procedures. Personal trust and networks are key. In cases such as construction or coach accidents, employers or operators also serve as valuable partners in identifying and assisting victims.

Civil Protection was recognized by D1, D2, and D3 as a reliable operational partner. Civil Protection itself reports no specific procedures for foreign victims; instead, it focuses on solid interdisciplinary collaboration, which is described as both effective and trustworthy.

The interviewed local emergency planning coordinator (NPC) also identified the standard emergency actors as key partners. In incidents involving foreign victims, the local emergency planning coordinator aims to focus on immediate care and delegate coordination with embassies to higher levels like the governor's office or the NCCN. Yet, they lament not having access to embassy contact information and call for a more proactive role from the NCCN in facilitating international coordination.

5.2.3. Embassy involvement: diverging views

Most respondents view embassies and consulates as relevant partners, but their opinions differ on the timing and extent of involvement.

From the Federal Prosecutor's perspective, foreign embassies primarily expect quick access to information, facilitation of victim participation in legal proceedings, and clarity around safety and communication logistics. However, the level of engagement varies considerably.

A recurring challenge is the tendency of embassies to contact authorities during the acute phase, when accurate information is still scarce. This adds pressure on-site and can hamper operations. Several services, including the NCCN, report being contacted by embassies before they themselves have full situational awareness, pointing to unclear mutual expectations. There appears to be confusion about when and how embassies will be contacted.

Despite these challenges, most stakeholders agree that embassy involvement becomes especially valuable during the follow-up and aftercare phases. D2 stresses the need for a “warm handover” to the victim's country of origin, particularly in serious incidents. This includes support for repatriation, insurance arrangements, or participation in memorial services.

D1 and D3 underline the role of personal relationships with embassies in enabling smooth cooperation. However, not all emergency services maintain structured embassy contacts. For example, PolBru naturally has many such ties due to Brussels' diplomatic density, while the NPC of Schoten has no embassy contact list.

Respondents agree that embassies cannot be treated uniformly. Some (e.g., China, Russia, Iran) are approached more cautiously, given geopolitical sensitivities. The Red Cross, by contrast, does not engage with embassies operationally, considering them outside its scope. Their interactions are mostly symbolic or media-related, which may hinder operational efficiency. Instead, the Red Cross relies on its international network for identification and family tracing (e.g., Restoring Family Links).

There is currently no uniform procedure for embassy communication during crises. Most collaboration relies on improvisation and individual experience. Still, D1 and D3 argue that this flexible approach often works in practice. They advocate for maintaining local control and warn against over-centralization, which may complicate rather than streamline operations.

5.2.4. Differences in perspective and role uncertainty

Clear differences exist both within and between disciplines regarding how foreign victims should be managed. Within disciplines, variations often stem from experience and geographic scope. Between disciplines, differences lie in focus. D1 and D2 prioritize immediate victim care and largely ignore political dimensions in the acute phase. In contrast, D5 and NPCs, typically involved later, do not see embassy communication as their responsibility but also admit that it is unclear who should take on that role. They often refer to local crisis cells, while cities like Antwerp point to protocol services that are not designed for 24/7 crisis response.

5.2.5. Political expectations and support

All interviewees were asked about political involvement in managing incidents with foreign nationals. They consistently reported minimal political pressure during the acute phase, which is generally appreciated. However, political support is seen as vital for long-term structural improvements. This was evident after the 2016 terrorist attacks, when political will enabled the development of the BITS (Belgian Information Tool for Victim Support) system.

5.2.6. GDPR Challenges in Crisis Contexts

The application of the EU's GDPR regulation poses considerable challenges. First responders acknowledge the tightening of privacy rules and the difficulty of applying them in high-pressure environments. For example, obtaining informed consent is rarely feasible when victims are in shock or non-verbal due to language barriers. D2 typically relies on implied consent unless explicitly refused. While this pragmatic approach works operationally, it lacks legal robustness.

The BITS application is widely used but still lacks a solid legal framework. The NCCN notes it has no legal mandate to share personal data with embassies and therefore restricts information to the number and nationality of victims. Detailed disclosures are left to D2 personnel, who are better positioned to evaluate the context.

PolBru usually inform embassies when foreign nationals are involved, unless victims explicitly request otherwise. In politically sensitive cases, such as with refugees or dissidents, they may contact exile organizations instead. There is no standardized list of "safe" or "unsafe" countries, and police prefer to assess situations case by case.

The firefighter (D1) notes that GDPR has raised awareness, especially regarding photos and personal data shared with the media. Discretion and professional confidentiality are emphasized, particularly in sensitive cases where victims may fear law enforcement. If a victim objects to embassy involvement, this is taken seriously within legal boundaries.

The Federal Prosecutor's Office also faces difficulties sharing data with non-judicial entities like embassies. Similarly, the NPC of Schoten reports losing access to victim data due to platform changes (from ICMS to Paragon), further complicating planning.

D5 reports little change in information-sharing practices, as strict medical confidentiality rules were already in place. The NPC of Schoten stresses that public communication remains deliberately vague, only general information (e.g., number of injured) is disclosed to avoid legal conflicts.

5.3 Gaps in current procedures

This chapter answers research question 3) "*Which gaps or challenges have been identified in past incidents involving foreign victims in Belgium?*"

5.3.1. Lack of clear role definition and legal framework

A recurring issue mentioned by all respondents is the uncertainty about who is responsible for communication with diplomatic representatives during incidents involving foreign victims. This often results in an ad hoc approach to incident management. Both the NCCN and other stakeholders emphasize the absence of a clear legal framework that defines who must communicate what information, when, and to whom. The current legislation does not contain specific provisions regarding foreign victims, which poses a significant obstacle to developing a procedure accepted by all relevant parties.

Communication with consular services is particularly affected by this lack of legal clarity. The local police in Brussels (PolBru) do not consider this their responsibility and refer to the Ministry of Foreign Affairs. However, when incidents occur on Belgian territory, the competence of Foreign Affairs is limited. In such cases, responsibility formally lies with the Federal Public Service (FPS) Home Affairs, although Foreign Affairs maintains better contacts with diplomatic institutions in Belgium. Therefore, there is a clear need for legal anchoring to designate who is responsible for international communication in incidents involving foreign victims. This division of roles must be clearly defined both between the different disciplines and in relation to external partners.

5.3.2. Fragmented communication and lack of a central contact point

All respondents highlight the absence of a central coordination point or “single point of contact” as a major challenge. This results in communication problems such as inconsistent or contradictory information and multiple queries from relatives, embassies, and the media arriving through various channels. These issues cause frustration among different disciplines and lead to inefficiencies in incident handling. While the importance of centralized information exchange is widely recognized, there is no consensus on how best to organize this.

5.3.3. Language barriers and absence of a dedicated pool of interpreters

Language barriers add another layer of complexity. Almost all respondents mention the lack of a fixed pool of interpreters. Ad hoc solutions are often sought during incidents, which is far from ideal, especially in psychosocial care, where proper communication with victims is crucial. Some first responders speak English, but not all parties involved are fluent, which can delay medical assistance and hamper the quality of psychosocial support.

Several respondents, including D1 and local authorities, stress the importance of establishing a permanent pool of interpreters, which currently does not exist. Occasionally, interpreters from social services or asylum centers can be enlisted, but this is more challenging for smaller incidents. The fire brigade uses visual aids and informational sheets to assist non-Dutch speakers and has benefited from advances in AI-powered simultaneous translation. Nevertheless, recruiting personnel with diverse language skills remains a significant challenge. Embassies, consulates, and diaspora networks are frequently mentioned as valuable partners, not only for legal and insurance support but also for interpretation and information dissemination. Early involvement of these partners is therefore essential.

5.3.4. Specific operational challenges per discipline

Beyond these structural issues, respondents identify several operational challenges. D2 points out that insurance coverage for foreign victims is often unclear or completely lacking. The police (D3) are responsible for victim identification, which can be highly complicated during large-scale incidents like the BlaBlaCar accident. Identification may take hours due to the nature of injuries, language barriers, and the absence of family members at the scene. When victims are unconscious, hospitals initially use generic numbers until proper identification is established. Mistakes in identification have occurred during high-profile incidents, such as the Brussels metro attacks and Bataclan, sometimes due to incorrect assumptions or mislabeling of personal effects. Such errors

must be avoided at all costs. Pressure from foreign authorities to expedite the process can sometimes lead to hasty decisions. Furthermore, embassies may not always be aware that victim identification is not the core task of D2 or D5. Clear agreements on who communicates what information and when are essential and must be strictly adhered to by all parties.

The Federal Prosecutor's Office frequently faces difficulties in tracking and contacting foreign victims after crises due to outdated contact information and some embassies' reluctance to share personal data. Even when efforts are made to centralize information, such as through call centers, challenges remain. Call centers often become quickly overwhelmed, lack sufficient interpreters for various languages, and do not always have access to complete or up-to-date information. Consequently, they struggle to provide adequate assistance to concerned family members. Another major challenge is media presence at incident sites. Proper media management is critical, as the absence of official communication can lead to the spread of misinformation.

Finally, the local emergency planning coordinator of Schoten notes that consular involvement is often inconsistent and fragmented. Not all consulates can be involved promptly because local authorities do not always have access to a current contact list. Sometimes recent contact has only been established during previous incidents or events, and contact details exchanged at that time.

Table 3: Overview of approaches (and gaps) by the services involved.

Actor	Approach	Comments
D1/D2/D3/D4/D5	Operationally involved	Emphasis on practical issues and the accompanying problems (ex. problems related to identification and language).
Local Authority NPC Schoten and FDG Antwerp	Locally involved	Focus on shelter, logistics & insurance issues
Federal authority NCCN	Policy-oriented	Highlights gaps in legislation and accountability

5.4 Improvement Proposals

This chapter summarizes the replies of the respondents to research question 5) *“Which concrete recommendations can be formulated to improve current procedures and the coordinated response?”* and 4) *“What lessons can be drawn from previous major incidents (in Belgium) to enhance the handling of foreign victims?”*

5.4.1. Lessons learned and limited structural changes.

Most respondents recognize that past incidents have prompted reflection, yet these reflections seldom translate into formal or structural changes in procedures. Improvements tend to remain local, informal, or dependent on specific individuals. For example, within D2, the BlaBlaCar incident triggered an internal awareness campaign but did not result in formal guidelines. Responsiveness varies by province and experience. Following the 2016 terrorist attacks, the Federal Public Service of Health received funding to develop the BITS application, marking a significant improvement based on a parliamentary inquiry's recommendation.

Practical lessons have been drawn by the emergency planning coordinator of Schoten, such as adjusting on-site role divisions and improving logistics. Civil protection authorities do not specifically focus on incidents involving foreign victims but consider expanding assistance capacity for large-scale events. D5 highlights a general recognition of their discipline, with increasing involvement over time, while the local police of Brussels (PolBru) note no major internal changes but emphasize that geopolitical relations influence their operations. FDG Antwerp reports no fundamental changes since BlaBlaCar, mainly due to a lack of similar incidents. The NCCN observes an increase in notifications from partner services regarding foreign victims, reflecting improved vigilance.

5.4.2. Shared concerns and key recommendations

Respondents from multiple disciplines expressed a shared concern about the flow of information during incidents involving foreign victims. Despite operating within different mandates, they converged on several recurring recommendations. Central to these is the need for a clearly defined single point of contact for foreign embassies and consular representatives. Currently, communication is ad hoc, relying on personal networks, which causes fragmentation and inefficiency.

Opinions differ on who should assume this role. Some advocate for local crisis management supported by higher authorities only when necessary, while the NCCN emphasizes adherence to established emergency planning structures and highlights its potential as an overarching information-sharing body during federal phases. In practice, the mayor often assumes embassy contact during municipal phases, or the role falls to operational directors or back offices. Where cooperation is weak, the NCCN might partially take over this task, provided this is formalized in cooperation agreements. However, the NCCN cannot be physically present on the ground, underscoring the need for clearly defined roles in emergency plans and dedicated training for the appointed on-site contacts. Additionally, clear division of responsibilities across incident phases, reflex, stabilization, and aftercare, is necessary, particularly regarding communication with embassies. Respondents also stressed that foreign victims often require additional psychosocial support, including interpreters and culturally adapted care.

5.4.3. Improving information exchange and communication

All interviewees agree that information exchange about victims and their condition requires improvement and more structured processes. Uncertainty exists about who is authorized to communicate what, especially with foreign authorities. While existing crisis management structures suffice for inter-disciplinary communication, communication with embassies during incidents involving foreign victims is more complex and can be enhanced.

D2 focuses on medical information, noting that hospital-to-embassy communication is often slow or absent. They suggest a liaison function to facilitate medical information sharing while respecting privacy laws. D3 highlights the current informal but pragmatic approach, advocating for proactive engagement with at-risk communities and the creation of a dedicated police service for diplomats and consuls to ensure accessibility beyond office hours. The local police (PolBru) support a more structured approach to diplomatic liaison.

5.4.4. Addressing specific challenges

To overcome language barriers, respondents recommend interpreter pools and pre-prepared multilingual information materials, supplemented by visual aids to assist communication during initial contact. The Red Cross's international coordination system¹ is cited as a useful fallback when language, identity, or nationality issues arise.

A proposal from D3 includes granting embassies limited access to Paragon, the victim registration system, to streamline information flow. The local emergency planning coordinator emphasizes the importance of preparedness, formalized procedures, and regular multidisciplinary exercises. He advocates incorporating specific sections on foreign victims within general emergency plans.

The federal prosecutor's office highlights the need for timely and clear communication with victims and their families, especially regarding identification delays and judicial processes. Embassies' roles should be clearly integrated into emergency planning frameworks, and victim-oriented roles such as identification magistrates should be embedded early in the process to ensure continuity and sensitivity.

Expansion and formalization of the Central Contact Point (Centraal Loket) is recommended to guide victims and families through administrative, legal, and psychological support. The NCCN proposes creating a framework for embassies that includes information sheets, scenarios, or flowcharts to clarify mutual expectations regarding timing, content, and communication channels. This could be a standalone document or an annex to existing action frameworks distributed by Foreign Affairs.

5.4.5. Legal and data protection considerations

Uncertainty regarding GDPR compliance and confidentiality constraints presents significant challenges, as embassies expect timely information on their nationals, while privacy laws restrict data sharing. Practical, secure information flows with appropriate privacy filters, such as those in BITS, are essential. It is important that all partners clearly understand who can access which data and for what purpose.

5.4.6. Balancing local and federal roles

While some respondents emphasize that local crises should be managed locally, others look to the NCCN for coordination concerning foreign victims. Structural changes may take time, but operational services and local authorities could benefit immediately from NCCN's embassy contact details to facilitate initial outreach. Over time, reliance on personal contacts should give way to formalized, generic contact points accessible to all relevant actors, ensuring continuity and efficiency in handling incidents involving foreign victims.

¹ The International Coordination System (ICS) of the Red Cross and Red Crescent is designed to effectively organize international humanitarian assistance when a National Society lacks the capacity to respond to a disaster or crisis on its own. This system ensures coherence, efficiency, and respect for the national autonomy of the affected society (Wikipedia, z.d.)

5.5. Incidents abroad with Belgian victims

As part of this thesis, various departments within the Belgian Ministry of Foreign Affairs were contacted to enable a comparative analysis of how Belgian victims and their data are managed abroad. An interview was conducted with members of the department responsible for assisting Belgian victims abroad, known as Consular Assistance, as well as with the Legal assistance service for Belgians overseas.

Consular assistance to victims is defined as support provided in individual situations such as accidents, hospitalizations, deaths, or disappearances. The main mission of this service is to act as a facilitator between Belgian embassies or consulates abroad and families in Belgium, insurance companies, mutual insurance companies, or hospitals.

The Legal assistance service, on the other hand, oversees international judicial matters, such as cases involving Belgian nationals detained abroad, parental abductions, or situations involving minors. It also manages a dedicated unit for legal affairs linked to terrorism abroad.

An incident is officially considered a crisis when it involves more than seven Belgian citizens. In such cases, responsibility is transferred to the Foreign Affairs Crisis Center rather than the aforementioned services.

The interviews followed the same structure as those conducted with other Belgian services for this thesis, focusing this time on the management of Belgian victims abroad, rather than foreign victims in Belgium.

5.5.1. Existing procedures for information management on Belgian victims

In terms of procedures, no rigid protocol governs consular assistance. The services interviewed operate under the framework defined by the Consular Code, particularly Articles 78 that defines its intervention conditions and Art 83 that sets up its limitations (Consulair Wetboek, 2013). This framework provides legal foundations while maintaining flexibility, which is deemed necessary by the responders due to the wide variety of situations encountered.

As stated in Art 78 of the Consular Code, the primary condition for intervention by Belgian Foreign Affairs is nationality: only individuals who are Belgian nationals, stateless persons, or recognized refugees in Belgium are eligible for consular assistance. Foreign nationals residing in Belgium are not eligible. Moreover, explicit consent is required to provide assistance. Without it, even in cases involving reported psychiatric issues, the administration legally cannot intervene.

In the event of a deceased person abroad, neither embassies nor the Brussels office notifies the family by phone. Instead, a procedure modeled on the Belgian police protocol (COL17/2012) is applied: the family is informed by Belgian police, using a standardized form provided by Foreign Affairs.

The legal foundation for consular assistance remains the 1963 Vienna Convention, which guarantees a state's right to assist its nationals abroad. No additional bilateral treaties are typically required for non-judicial assistance, as the Convention provides sufficient coverage.

Regarding data protection and GDPR compliance, the interviewees emphasized the tangible impact on their daily work. Written authorization is systematically required before sharing information, especially in detention cases. For example, if a detained Belgian does not wish for their family to be informed, the service cannot disclose any information, even if contacted by relatives.

In cases where an individual is unable to request consular assistance—such as in the event of a coma, local authorities typically initiate direct contact with the embassy. This often occurs outside the context of an emergency or crisis, particularly when hospitals seek to locate family members for medical decision-making or financial purposes.

In less serious situations, if a conscious individual refuses consular aid, this decision is respected. Psychiatric cases may prompt hospital contact, but such instances are rare. In all cases, the person's explicit will is followed unless vital or legal concerns warrant intervention.

5.5.2. Needs and cooperation among involved services

Consular assistance does not vary significantly by country, except in the case of prison visits. For example, such visits are not conducted within EU countries, as detention conditions are presumed to meet Belgian standards.

When trying to obtain information about Belgian victims and helping them, embassies may, in some countries, contact local police or emergency services directly. But in other, all communication must go through the local Ministry of Foreign Affairs, significantly slowing down the process. In these cases, the embassy relays the request to the host country's central administration, which must then contact the relevant services (e.g., police, hospitals).

Some Belgian embassies have established relationships with local emergency services or crisis centers. For example, in France, local authorities maintain a crisis center that serves as a structured point of contact during major events. Contacts are then official but quicker and while initial contacts often occur by phone, written confirmation is always required.

The degree of autonomy of embassies thus varies depending on the country and diplomats are usually informed of local practices and margins of maneuver when they assume their post.

In terms of operating mode, beyond emergency services and police, Belgian embassies often collaborate with various local partners depending on the incident. In cases of death, funeral homes and hospitals are commonly involved. In situations of extreme distress, embassies may also reach out to local social services, particularly for individuals who are vulnerable and do not wish to return to Belgium. In such instances, local housing solutions may be arranged with the help of religious communities or other actors.

Embassies also rely on informal networks built over time, which provide flexibility. Sometimes, the local Belgian community also steps in. For instance, Belgian families have occasionally offered to host children whose parents were involved in accidents. Such acts of spontaneous solidarity highlight the value of close-knit community ties during critical moments.

5.5.3. Gaps and challenges

Regarding the access to information about Belgian victims, a major challenge identified by the responders lies in the discrepancy between the timing of official information and the speed of media or social networks. It is not uncommon for the Ministry of Foreign Affairs to first learn of incidents involving Belgians through media reports, before receiving official confirmation. In such cases, even if rumors or indications exist, no public confirmation from the Ministry of Foreign Affairs can be issued without formal validation from local authorities.

This situation places considerable pressure on the staff—both due to media inquiries and the obligation to protect families.

Thus, the management of an incident abroad depends not only on the severity of the situation, but also on the speed of information access, the cooperation of local authorities, and the diplomatic framework in place.

Furthermore, access to information about Belgian nationals abroad may face hurdles, either from the individual's refusal or lack of cooperation from local authorities. Some countries, like Switzerland for example, may decline to share data if they deem the situation under control and not requiring Belgian intervention.

Another challenge arises when dual nationals are present in their second country of nationality. Some states do not recognize dual nationality and may deny Belgian consular intervention, treating the person solely as their own national. This can block consular visits, particularly in detention. While Belgium pursues diplomatic efforts, it cannot compel cooperation, and such refusals are rarely overturned.

However, for the responders, the most significant difficulties do not arise from foreign authorities, but from the complexity of individual cases. Particularly challenging are situations involving individuals with psychiatric disorders: inconsistent communication, unclear intentions, social and familial isolation, lack of insurance, etc. These cases demand extensive time and emotional investment from consular staff, often under hostile or aggressive behavior. According to the interviewees, such cases are becoming more frequent and place a considerable burden on their teams.

5.5.4. Lessons learned and improvement proposals.

To address some challenges, Belgium has developed judicial cooperation agreements, particularly regarding child protection or parental abduction, allowing intervention through central authorities such as justice ministries. There are also EU mechanisms, such as allowing another EU country's embassy to assist a Belgian citizen in a country where Belgium lacks representation.

Relations with local authorities (police, emergency services, foreign ministries) are generally positive, though administrative delays can be frustrating. To manage expectations, the Foreign Affairs staff tries to prepare families early on by explaining estimated timelines based on country-specific procedures. This transparency helps reduce misunderstandings, even if delays cannot be avoided.

The only available strategies are to regularly follow up with local authorities and maintain consistent diplomatic pressure, despite limited control over the outcome.

Regarding the preference between personal and institutional contacts, interviewees emphasized that both are necessary and complementary. Personal contacts, established during meetings or working groups, facilitate communication and quick reactions. However, generic service contacts (e.g., institutional email addresses) are equally important, especially when staff members change roles, go on leave, or retire.

In summary, maintaining a balance between human connections and institutional protocols is crucial for ensuring smooth, reliable, and responsive consular operations.

Conclusion (answers to the research questions)

What are the specific procedures and protocols in place for managing (information related to) foreign victims during major incidents in Belgium? And what is the knowledge about this among the partners?”

In Belgium, the management of information related to foreign victims during major incidents is governed by a combination of formal procedures, inter-agency agreements, and informal practices. While core responsibilities are outlined in the KB Noodplanning and monodisciplinary plans, there is no specific legal framework assigning the task of victim list management, which leads to varied interpretations among responders. Victim registration and communication typically follow existing channels such as BITS, Paragon, and direct phone contact, with embassies frequently involved.

In summary, while life-saving actions take priority in the initial response phase, nationality becomes increasingly important for post-incident coordination, family notification, and repatriation. The procedures in place are partially standardized but rely heavily on inter-agency coordination, practical experience, and ad hoc solutions when dealing with foreign victims.

Regarding the level of knowledge of these procedures, the interviews show significant variation among partners. While some actors are well aware of their responsibilities and the tools available, others rely on experience, collegial agreements, or intuitive practices.

The key finding is that Belgium’s emergency procedures are primarily victim-centered and inclusive, regardless of nationality. Nevertheless, foreign victims introduce additional challenges that call for strong interdisciplinary cooperation and flexible coordination mechanisms.

What are the needs and expectations of key stakeholders, including Belgian emergency services and foreign representatives (e.g., embassies, consulates)?

Chapter 5.2 highlights the needs and cooperation between Belgian emergency services and foreign representatives during incidents involving foreign victims. While all stakeholders acknowledge the relevance of embassies and consulates, there is no uniform approach for engaging with them, particularly during the acute phase. Communication is often informal and relies on personal networks, leading to inconsistencies. Most respondents emphasize the importance of defining clear roles, contact points, and coordination mechanisms to ensure continuity and effective information exchange.

Embassies frequently seek immediate updates during crises, which places additional strain on operational teams. Nonetheless, their involvement is broadly supported during the follow-up and aftercare phases. The lack of direct access to embassy contacts and uncertainties regarding responsibilities were recurring concerns. Data protection under GDPR rules presents further challenges; legal restrictions complicate information-sharing with foreign representatives, and current practices rely on implied consent or operational discretion.

There is a clear need for more structured procedures, especially for international coordination and victim support, as well as for political backing to implement long-term solutions. Overall, the chapter illustrates fragmented practices and stresses the importance of institutional continuity, inter-agency cooperation, and legal clarity in managing incidents involving foreign nationals.

Which gaps or challenges have been identified in past incidents involving foreign victims in Belgium?

The interviews reveal a clear pattern of gaps and challenges in managing incidents involving foreign victims. The most prominent underlying issue is the lack of structured coordination and clarity.

At the legal level, the enforcement of the EU GDPR regulations presents significant operational challenges for first responders, who struggle to balance legal compliance with the urgent demands of crisis situations. The lack of a clear national legal framework for data processing during emergencies forces professionals to rely on informal practices such as implied consent, which, though practical, remain legally insecure. Concerns about data sharing with embassies and the cautious handling of sensitive cases underscore the tension between data protection and victim support. Moreover, GDPR has led to stricter internal protocols, increased discretion, and reduced information flow to the public and media. The overall sentiment among respondents is a shared need for more adaptable legal tools that reflect the realities of emergency response, without compromising ethical standards or individual rights.

Finally, while limited political interference is valued during the immediate response phase, long-term improvements rely heavily on political will, as illustrated by the implementation of the BITS system post-2016.

What lessons can be drawn from previous major incidents (in Belgium) to enhance the handling of foreign victims?

From the analysis of interviews with key stakeholders, it becomes clear that incidents involving foreign victims are characterized by unclear responsibilities, challenges in victim identification, and insufficient international communication.

Language barriers present a structural obstacle, further exacerbated by the lack of interpreter pools and multilingual support. There is no legally defined allocation of responsibilities, resulting in ad hoc and often fragmented coordination.

The lessons learned emphasize the need for:

- a clear legal framework and distribution of tasks;
- a central coordination point for victim information and communication;
- structural interpreter services and multilingual materials;
- early involvement of embassies and consular services.

These insights form the basis for concrete recommendations aimed at improving preparedness, coordination, and communication in future incidents involving foreign victims.

Which concrete recommendations can be formulated to improve current procedures and the coordinated response?

Addressing the above challenges requires not only technical solutions, such as call centers and AI-assisted translation, but also legal and organizational anchoring, clear agreements, and systematic collaboration with external partners like embassies.

Generally, there is a high need for formalization and standardization.

The analysis reveals that, despite a shared awareness of the issue, the current approach remains heavily reliant on goodwill, individual experience, and informal networks. To enhance the effectiveness and consistency of response efforts, the following concrete recommendations are proposed:

- Designate a formal point of contact for foreign representatives during incidents (e.g., within D3, via locale authorities or via the National Crisis Center);
- Establish clear and legally supported procedures for the flow of information;
- Integrate embassy contacts and consular needs into existing emergency response plans;
- Leverage existing IT systems such as Paragon, with adapted access protocols for foreign stakeholders;
- Define a liaison role to facilitate coordination between medical institutions and foreign partners.

These recommendations provide a potential foundation for policy adjustments and the further professionalization of crisis management practices. The following chapter presents specific policy proposals derived from this research.

Policy advice

In the absence of a comprehensive national procedure for managing foreign victims during a crisis in Belgium, this section aims to provide policy advice. It is based on the crisis management mechanisms and structures described in the Royal Decree on Emergency Planning (KB Noodplanning) and detailed in this thesis, while also taking into account the rights and laws introduced in this work established at both national and international levels.

As members of the National Crisis Center, the authors have also reflected on the limitations and opportunities within their own organization. The constraints imposed by the new GDPR regulation have consequently been thoroughly examined throughout this thesis.

Solutions and the establishment of a procedure have been explored through the analysis of past concrete cases involving foreign victims in Belgium and tested in recent provincial exercises. Consequently, a first federal-level procedure has been drafted. This initiative represents an initial step towards creating a more comprehensive structure for managing foreign victims.

Simultaneously, the Federal Public Service for Public Health has worked intensively to establish a clear framework for handling the data of foreign victims without hindering their access to emergency services, which includes a concrete tool (BITS) that facilitates this work. There may also be a scope to improve the adaptation of IT systems (such as Paragon) and integrate their use more effectively by adapting access rights for foreign partners to enable secure and timely information sharing.

Interviews with stakeholders also highlighted additional avenues for improvement, including:

- Designate a central point of contact for foreign representatives to streamline communication and ensure continuity. And if possible, even more the creation of a separate entity composed of the various competent bodies for managing foreign victims (to be defined).
- The adoption of a new law providing an additional exception to GDPR regulations for crisis situations, while remaining pragmatic for crisis situations.
- The establishment of direct and local contacts between field operators and embassies, or at the very least, the creation of a pool of interpreters.
- Promote structural support, such as interpreter pools and multilingual communication materials, to enhance communication with foreign victims and their representatives.
- Encourage political engagement to realize long-term and coherent improvements in legislation and practice, balancing legal protection with operational needs.

These recommendations provide a framework for further elaboration and concrete implementation steps, tailored to operational requirements and legal frameworks. The policy aims for an integrated, professional, and respectful approach to foreign victims in crisis situations, where cooperation and clarity are key.

In order to move beyond the neutral and general perspective presented in this policy advice, the authors wish to offer a more personal point of view on how foreign victims and their personal data

should be handled at both national and international levels during crisis situations. They also aim to outline the steps they believe should be taken moving forward.

Referring to several arguments presented during interviews with first-response services in Belgium and Belgian consular assistance services abroad, the local dimension appears to be of paramount importance.

It seems essential to return to the foundational principles of crisis management in Belgium and to place trust in those most experienced in its practical implementation on the ground. While recent legislation has introduced certain obstacles in managing victims' data, the primary concern remains the imperative to inform, reassure, and support the families of victims in a dignified and respectful manner.

It is actually why the authors share the view of responders on the ground about the GDPR issue. Indeed, while the NCCN, under the mandate of the Ministry of the Interior, has made significant efforts to implement solutions that align with European data protection regulations, it is evident that the General Data Protection Regulation (GDPR) does not always fully account for the specific needs and constraints of crisis management. As a result, the application of these regulations can sometimes hinder the efficiency of emergency response efforts. This stands in contrast to the NCCN's commitment to excellence in crisis management, where timely and effective support to victims remains a top priority.

With regard to the handling and international transfer of foreign victims' personal data, our policy advice can only be grounded in a long-term solution, such as an amendment to the national law of 30 July or the creation of a new entity benefiting from similar exemptions as those granted to law enforcement authorities.

In the short term, we consider the most viable approach to be the limitation of the type of data shared, for instance, restricting it to the number and nationality of victims for the National Crisis Center. A local Single Point of Contact (SPOC) would then be better positioned to share GDPR-sensitive data internationally, provided the victim's consent is obtained.

Secondly, local authorities and first responders must be granted the autonomy necessary to fulfill their responsibilities, particularly during the acute phase of a crisis. They are best positioned to evaluate whether circumstances allow an operational-level management or whether escalation to a higher phase is justified, depending on the number of victims and the severity of the situation.

Undoubtedly, the presence of foreign victims increases the workload of first responders, particularly due to language barriers. Operational and local levels must therefore be adequately informed and trained to recognize that the sole presence of foreign victims may justify escalating the crisis phase, thereby allowing broader entities to intervene and support field operations.

The solution of relying on embassies to address language barriers, as has been done in specific cases in the past, is not, in our view, the most effective, particularly when dealing with countries experiencing geopolitical instability. A more viable solution would be the establishment of a dedicated pool of interpreters, similar to legal interpreters, who could be mobilized in emergency situations. However, an in-depth analysis of the feasibility of this pool falls outside the scope of this paper.

If it is nevertheless decided to involve embassies more structurally into existing emergency plans, it is important that their role and responsibilities are described explicitly and in detail.

The actions of foreign embassies is better understood from the perspective of Belgian embassies abroad. As they appear to prefer direct contact with local community-level services rather than going through the host country's Ministry of Foreign Affairs, it is perfectly understandable that foreign embassies in Belgium tend to operate in the same way. Therefore, after life-saving interventions, facilitating this contact should be a priority rather than an optional consideration.

The involvement of the federal level through the National Crisis Center (NCCN) does not appear particularly relevant in most situations, although the desire to relieve pressure on first responders is acknowledged. Consequently, the NCCN's involvement should be limited to large-scale crises.

The most suitable actors for delivering notifications of death to relatives remain the police forces. From our interviews, we observed that services where information was efficiently gathered and correctly transmitted often benefitted from the presence of a police liaison officer. Since medical and fire personnel are already heavily engaged in life-saving efforts, we believe that information regarding foreign nationals present on the ground might best be gathered by an administrative officer working in close coordination with the police.

In light of the aforementioned considerations, the next steps to ensure proper support for foreign victims in Belgium involve the training of local crisis management stakeholders.

First, training should be provided to the first-response disciplines operating on the ground. These actors must be able to identify the presence of foreign victims as a potential trigger for initiating a municipal phase or activating an administrative crisis management cell.

Second, training should be extended to local NPCs (Noodplanning Coordinator) who will be responsible for handling the administrative aspects related to foreign nationals. These individuals must receive adequate preparation to perform their duties effectively.

This training program is to be provided by the NCCN's "Noodplanning" department in collaboration with other key departments (Police and Foreign Affairs for example).

Additionally, the creation of a national pool of trained volunteers could be considered to support local NPCs during crises involving foreign victims.

In the initial stages, the NCCN (National Crisis Center) may provide assistance. Over time, however, its involvement should be limited to the large-scale crises.

Finally, the NCCN's Permanence service could act as a secondary support line, particularly in assisting with communication and coordination with embassies as it is currently done.

Key references and bibliography

Legislation

International and European Legislation

Council of the European Union, General Secretariat. (2025, 12 juni). *Working Document WK 7777/2025 INIT – Beperkte verspreiding*.

Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons by competent authorities for criminal justice purposes. *Official Journal of the European Union* (L 119), 4 May 2016, p. 89–131.
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016L0680>

Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime. *Official Journal of the European Union* (L 315), 14 November 2012, p. 57–73.
<https://eur-lex.europa.eu/eli/dir/2012/29/oj>

Minister for Justice & Ors, B –v– International Protection Appeals Tribunal & Ors. (2024). IEHC 183 (High Ct. Ire. 22 mars 2024). Retrieved from Refworld database

Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation). *Official Journal of the European Union* (L 119), 4 May 2016, p. 1–88.
<https://eur-lex.europa.eu/eli/reg/2016/679/oj>

United Nations. (1963). *Vienna Convention on Consular Relations*. 24 April 1963.
https://legal.un.org/ilc/texts/instruments/english/conventions/9_2_1963.pdf

United Nations. (2016). *Protection of persons in the event of disasters: resolution adopted by the General Assembly*, 71/141, 13 December 2016.
<https://digitallibrary.un.org/record/853457?ln=en>

Voorstel voor een verordening van het Europees Parlement en de Raad tot vaststelling van geharmoniseerde regels betreffende kunstmatige intelligentie (AI-verordening) en tot wijziging

van bepaalde wetgevingshandelingen van de Unie. *COM(2023) 409 final; 2023/0250(COD)*, 12 juli 2023.

<https://eur-lex.europa.eu/legal-content/NL/TXT/?uri=CELEX%3A52023PC0409>

Belgian legislation

Belgische grondwet, gecoördineerde versie van 28 juni 1984 (bijgewerkt tot 29 maart 2024). *Belgisch Staatsblad*, 12 juli 1984.

COL 17/2012. Circulaire betreffende de omgang met overleden personen en de identificatie van slachtoffers bij rampen of aanslagen (herziene versie 2 mei 2022).

COL 6/2004. Omzendbrief betreffende de bescherming van bedreigde personaliteiten, overheidsfunctionarissen en privépersonen.

https://www.om-mp.be/sites/default/files/u1/col_6-2004.pdf

Consulair Wetboek van 21 december 2013, Belgisch Staatsblad, 21 maart 2014.

https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=2013122135&table_name=wet

Gegevensbeschermingsautoriteit. (2022, 18 oktober). *Beslissing ten gronde nr. 149/2022*.

<https://www.gegevensbeschermingsautoriteit.be/publications/beslissing-ten-gronde-nr.-149-2022.pdf>

Koninklijk besluit van 18 april 1988 tot oprichting van het Coördinatie- en Crisiscentrum van de Regering. *Belgisch Staatsblad*, 28 april 1988.

Koninklijk besluit van 14 januari 2002 houdende oprichting van de Federale Overheidsdienst Binnenlandse Zaken. *Belgisch Staatsblad*, 15 januari 2002.

Koninklijk besluit van 22 mei 2019 betreffende de noodplanning en het beheer van noodsituaties op het gemeentelijk en provinciaal niveau en betreffende de rol van de burgemeesters en de provinciegouverneurs in geval van crisisgebeurtenissen en -situaties die een coördinatie of een beheer op nationaal niveau vereisen. *Belgisch Staatsblad*, 27 juni 2019, p. 65933.

Koninklijk besluit van 18 mei 2020 tot vaststelling van het nationaal noodplan betreffende de aanpak van een terroristische gijzelneming of terroristische aanslag. *Belgisch Staatsblad*, 28 mei 2020.

Wet van 15 december 1980 op de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen (geconsolideerde versie 22 augustus 2024). *Belgisch Staatsblad*, 31 december 1980.

Wet van 24 november 2016 betreffende bepaalde rechten van personen die worden verhoord. *Belgisch Staatsblad*, 21 december 2016.

Wet van 30 juli 2018 betreffende de bescherming van natuurlijke personen met betrekking tot de verwerking van persoonsgegevens. *Belgisch Staatsblad*, 5 september 2018.

Wet van 30 juli 2018 tot wijziging van diverse bepalingen betreffende een uitreisverbod, de aflevering, ongeldigverklaring en intrekking van reisdocumenten voor niet-ontvoogde minderjarigen. *Belgisch Staatsblad*, 5 september 2018.

Wet van 19 juni 2019 tot wijziging van diverse bepalingen wat het politieke informatiebeheer betreft. *Belgisch Staatsblad*, 2 juli 2019.

Monographs

Bijleveld, C. C. J. H. (2013). *Methoden en technieken van onderzoek in de criminologie*. Boom Lemma uitgevers.

Dobber, J. T. P. (2021). *Onderzoek langs de meetlat. Onderzoeksdesigns voor verpleegkundigen*. Bohn Stafleu van Loghum.

Scientific Articles

Weckel, P. (2019). Terrorisme global et protection des touristes étrangers : renforcer le rôle des services consulaires. *Sociétés*, 2019/1(143), 69–80. <https://www.cairn.info/revue-societes-2019-1-page-69.htm>

Policy documents

Civiele Veiligheid. (z.d.). *Protection civile.* <https://www.civieleveiligheid.be/fr/protection-civile>

FOD IBZ Vreemdelingenzaken. Verkrijgen van de status van langdurig ingezetene in België. Geraadpleegd op 17 juni 2025, van <https://5195.f2w.bosa.be/nl/themes/third-country-nationals/long-term-resident/verkrijgen-van-de-status-van-langdurig-ingezetene>

FOD Volksgezondheid. (2023, 12 mei). Belgian Incident Tracking System (BITS). <https://www.health.belgium.be/fr/belgian-incident-tracking-system-bits>

Nationaal Crisiscentrum. (z.d.). *Organisation in an emergency*. <https://crisiscenter.be/en/what-do-authorities-do/crisis-management/organisation-emergency>

Nationaal Crisiscentrum. (z.d.). *Risico's in België*. <https://crisiscentrum.be/nl/risicos-belgie>

Service public fédéral Santé publique. (2023). *Que faire si tout le monde a besoin d'aide en même temps ? Processus de soins en cas de catastrophe*. Belgique en bonne santé. [Que faire si tout le monde a besoin d'aide en même temps? Processus de soins en cas de catastrophe - Vers une Belgique en bonne santé](#)

News articles

Schillewaert, N. (2022, 16 juni). *Aannemer van Antwerpse school die vorig jaar instortte, was al halfjaar op de hoogte van stabiliteitsproblemen*. VRT NWS. Geraadpleegd op 23 maart 2025, van <https://www.vrt.be/vrtnws/nl/2022/06/15/ingestorte-school-antwerpen-documenten/>

Reports NCCN / internal documents

ICMS Casus. (2022, 10 april). Schoten – Gekantelde bus!. Beschikbaar via ICMS-platform: <https://icmsystem.be/cobrafr-be/Account/Logon>

NCCN, Permanentierrapport. 18 juni 2021.

NCCN, Permanentierrapport. 10 april 2022.

NCCN, Permanentierapport, 18 maart 2023

Internet sources

Belgium.be. (z.d.). *Pompiers.*

https://www.belgium.be/fr/justice/securite/precautions_a_prendre/services_de_securite/pompiers

European Data Protection board official website, International data transfers, retrieved March 19,2025 from [International data transfers | European Data Protection Board](#)

FOD IBZ Vreemdelingenzaken. (z.d.). *Verkrijgen van de status van langdurig ingezetene in België.* <https://5195.f2w.bosa.be/nl/themes/third-country-nationals/long-term-resident/verkrijgen-van-de-status-van-langdurig-ingezetene>

JESIP. (z.d.). *Joint Emergency Services Interoperability Principles – Major Incidents.* <https://www.jesip.org.uk/webapp/major.html>

Oberlandesgericht Köln. (2023, 3 november). *6 U 58/23 – Übermittlung personenbezogener Daten durch Cookies an Drittländer ohne angemessene Garantien.* GDPRhub. Geraadpleegd op 8 mei 2025, van https://gdprhub.eu/index.php?title=OLG_K%C3%B6ln_-_6_U_58/23

Scribbr. (2021). *Semigestructureerd interview – voorbeeld.* <https://www.scribbr.nl/kwalitatief-onderzoek/semitstructureerd-interview/>

Statbel. (z.d.). *Herkomst.* Geraadpleegd op 8 mei 2025, van <https://statbel.fgov.be/nl/themas/bevolking/structuur-van-de-bevolking/herkomst>

Visit Brussels. (z.d.). *Brussel in al zijn diversiteit.* Geraadpleegd op 8 mei 2025, van <https://www.visit.brussels/nl/bezoekers/wat-te-doen/brussel-in-al-zijn-diversiteit>

Wikipedia contributors. (2025, May 7). *General Data Protection Regulation.* Wikipedia, The Free Encyclopedia. Retrieved May 7, 2025, from https://en.wikipedia.org/wiki/General_Data_Protection_Regulation

Wikipedia contributors. (n.d.). *International Red Cross and Red Crescent Movement.* Wikipedia. Retrieved July 18, 2025, from https://en.wikipedia.org/wiki/International_Red_Cross_and_Red_Crescent_Movement

Other sources

Genbrugge, E. (2023, 18 april). *Les over technologische rampen*. Postgraduaat Crisisbeheer, Campus VESTA, Module 7.

Provincie Limburg. (2024, 18 september). *Verslag van de oefening JOTA Sanicole*. Interne nota.

Provincie Vlaams-Brabant. (2024, december). *Verslag van de oefening Hermes*. Interne nota.

Annexes

Annex 1: Interview questionnaire

Interview thesis: "Foreign victims involved in major incidents in Belgium: the development of a national handling framework. " C. Glorieux & L. Meganck

ALGEMEEN

- Quel est le rôle de votre service dans la gestion des incidents sur le territoire belge impliquant des victimes étrangères ? / *Wat is de rol van uw dienst bij de afhandeling van incidenten op Belgisch grondgebied waarbij Buitenlandse slachtoffers betrokken zijn?*
- Quel est spécifiquement votre rôle ? / *Wat is uw specifieke rol daarin?*
- Travaillez-vous selon une procédure spécifique ou un plan d'action standardisé ? / *Werkt u volgens een bepaalde procedure / standard stappenplan?*
 - Si oui, comment procédez-vous ? *Zo ja, hoe gaat u te werk?*
- La nationalité de la victime est-elle un élément prioritaire ? Votre service doit-il en être immédiatement informé ? (Par ex. par rapport au nombre de victimes / déclenchement d'une phase) / *Is de nationaliteit van het slachtoffer hierin een prioritair gegeven? Dient uw dienst hier meteen kennis van te nemen? (vgl. Aantal slachtoffers / afkondiging fase)?*
- Existe-t-il des différences entre différents pays (pays UE et hors UE ou hors OTAN p.ex)? quelles sont-elles? Et pourquoi ? / *Zijn er verschillen tussen verschillende landen (bijv. EU en niet-EU of niet-NAVO-landen)? Welke zijn dat? En waarom zijn deze verschillen er?*
- Ce rôle est-il ancré dans la législation ? / *Is deze rol verankerd in wetgeving?*
 - Par quel accord, législation ? / *Door welke overeenkomst of wetgeving?*
 - Comment ? / *Hoe?*
 - Cet accord prend-il en compte le nouveau droit GDPR établi par l'UE en 2018 ? / *Houdt deze overeenkomst rekening met de nieuwe GDPR-wetgeving die in 2018 door de EU is vastgesteld?*
- Selon vous, ce rôle est-il défini de manière suffisamment claire ? / *Is deze rol volgens u duidelijk genoeg omschreven?*

CONCREET INCIDENT (naar keuze)

- Pourriez-vous en quelques phrases présenter un exemple d'incident impliquant des victimes étrangères en Belgique pour lequel vous ou votre services est concerné? *Kunt u in enkele zinnen een voorbeeld geven van een situatie met "Buitenlandse slachtoffer(s) in België" waarbij uw of uw dienst bij betrokken was*
 - Si non, quels sont les différents services intervenus lors de l'accident? / *Zo nee, welke diensten waren betrokken bij het incident?*
 - Si oui, avec quels autres services avez-vous travaillé afin de résoudre la situation de crise ? *Zo ja, Met welke andere diensten werkte u samen om de crisissituatie op te lossen?*
- Dans ce cas concret, existe-t-il un accord avec les autorités étrangères prédefini qui permet une communication sur l'identité des victimes aux services consulaires et diplomatiques concernés ? *Voor dit voorbeeld, bestaat er een vooraf vastgestelde overeenkomst met de buitenlandse en/of binnenlandse autoriteiten op grond waarvan de identiteit van slachtoffers kan worden meegedeeld aan de betrokken consulaire en diplomatieke diensten?*
 - Comment fonctionne-t-il ?*Hoe werkt het?*
- Existe-t-il une procédure au sein de votre service pour traiter cette question ? La situation est-elle traitée différemment lorsqu'il s'agit de victimes étrangères ? *Bestaat er binnen uw dienst een procedure om hiermee om te gaan? Wordt de situatie anders aangepakt wanneer er buitenlandse slachtoffers betrokken zijn?*
- Par quel canal vous est parvenue l'information sur les potentielles victimes ? *Via welk kanaal ontving u informatie over mogelijke buitenlandse slachtoffers*
 - Combien de temps après la catastrophe avez-vous été informé ? / *Hoelang na de ramp werd u geïnformeerd?*
- Quelle est la plus grande difficulté engendrée par la présence de victimes étrangères pour votre service ? / *Wat is voor uw dienst de grootste moeilijkheid als gevolg van de aanwezigheid van buitenlandse slachtoffers?*
- Les ambassades ont-elles pris contact avec un des services de secours présents sur le terrain de la catastrophe ? Lequel ? (D1-D2-D3) / *Hebben er ambassades contact opgenomen met een van de hulpdiensten die op de plaats van de ramp aanwezig waren? Welke? (D1-D2-D3)*
- Lors de cet incident spécifique, votre service a-t-il rencontré des obstacles pour obtenir les données des victimes étrangères ? / *Heeft uw dienst tijdens dit specifieke incident obstakels ondervonden bij het verkrijgen van gegevens van Buitenlandse slachtoffers?*
 - Lesquels ? *Welke ?*
- Quelle solution a été apportée ? *Welke oplossing werd gevonden?*

- Cette solution était-elle déjà intégrée dans vos procédures, plans d'action ? **Was deze oplossing al opgenomen in uw procedures en actieplannen?**
- Cette solution est-elle envisageable pour d'autres incidents ? Sur le long terme ? **Is deze oplossing haalbaar voor andere incidenten? Is dit houdbaar op lange termijn?**

PERSOONLIJKE GEVOELENS / RESSENTI PERSONNEL

- Quel a été votre ressenti par rapport à cet incident spécifique ? / **Wat vond u van dit specifieke incident?**
- Suite aux récents incidents, avez-vous constaté un changement dans votre manière de travailler lorsqu'il y a des étrangers parmi les victimes en Belgique ? / **Hebt u na de recente incidenten een verandering opgemerkt in de manier waarop u werkt (of uw dienst) als er buitenlanders zijn onder de slachtoffers in België?**
 - Dans la façon de travailler d'un service partenaire (lequel ? quels changements ?) **In de manier waarop een partnerdienst werkt (welke dienst? wat verandert er?)**
- Quel a été votre sentiment envers les services étrangers impliqués dans cet incident ? / **Wat vond u van de buitenlandse diensten die bij dit incident betrokken waren?**
- Par rapport aux services en Belgique (pression?) ? / **Wat vond u van de Belgische diensten (druk?)**
- En tant que membre de votre service, estimez-vous que vos demandes (votre travail) ont été respectées par : **Hebt u, als lid van uw dienst, het gevoel dat uw verzoeken en werk tijdens het incident effectief werden behandeld door**
 - Vos collègues ? **Uw medewerkers ?**
 - Votre hiérarchie ? **Uw hierarchie?**
 - D'autres services partenaires (belges) ? **Andere (Belgische) parnerdiensten ?**
- Souhaiteriez-vous voir votre service plus impliqué dans cette problématique ? **Zou u willen dat uw dienst meer betrokken was bij deze kwestie?**
 - Moins impliqué ? **Minder betrokken?**
- Est-ce que les informations vous sont parvenues en temps et en heure ? par le chemin/les canaux auxquels vous vous attendiez ? / **Heeft de informatie u op tijd bereikt? Via de route/kanalen die u verwachtte?**
- Cet évènement a-t-il apporté un changement à votre façon de fonctionner ? **Heeft deze gebeurtenis een verandering teweeggebracht in uw manier van werken?** Celle de votre service ? **van uw dienst?**
 - Celle d'un autre service selon vous ? / **van een andere dienst ?**

- Quel est le gros point noir actuellement selon vous? ***Wat ziet u als het grootste probleem op dit moment?***
- Quel est l'aspect le plus positif que vous ayez retiré de cette situation de crise ? ***Wat is het meest positieve aspect dat je uit deze crisissituatie hebt gehaald?***

Annex 2: Transcripts of interviews and informed consent

All interviews have been recorded and transcribed and can be accessed on demand to the authors of this work. All respondents also signed an “informed consent”- document. This can also be requested if desired.