



DECLASSIFIED<sup>1</sup>

**AS/Pol (2018) 20**

4 December 2018

Apdoc20\_18

## **Committee on Political Affairs and Democracy**

### **Protecting and Supporting Victims of Terrorism**

Rapporteur: Ms Marietta Karamanli, France, Socialists, Democrats and Greens Group (SOC)

#### **Preliminary draft report**

---

<sup>1</sup> On 11 April 2019, the Committee on Political Affairs and Democracy decided to declassify this preliminary draft report.

## 1. Introduction

1. I was appointed Rapporteur on 25 January 2018, following the departure of Ms Marie-Francoise Perol-Dumont from our Committee.
2. Terrorism is not a new phenomenon in Europe. Throughout history, acts of political violence have been perpetrated by a variety of extremist movements to advance a wide range of ideological, religious, social and economic causes. In recent years, several member States of the Council of Europe have experienced notorious terror attacks, carried out by groups and individuals, such as those in Oslo and Utøya in 2011, Paris in 2015, Brussels, Nice, Berlin and Istanbul in 2016, Manchester, Saint Petersburg, Stockholm, Paris and Barcelona in 2017, and London in 2017 and 2018. According to a 2018 Europol report, 205 terrorist attacks took place, were foiled or failed in Europe in 2017 alone. Over half of the cases were recorded in the UK. By 2017 more than 150 social media platforms were identified as being abused by terrorists for propaganda dissemination.<sup>2</sup>
3. Much of the political focus of counterterrorism efforts in recent years has been on the fight against terrorism and terrorists, particularly their ideology and motivations; it is obvious that the victims of terrorism must not be overlooked by States and international organisations alike in their mission to defend dignity and to protect human rights and in their strategy of combatting terrorism.
4. On several occasions, the Parliamentary Assembly has stated in the strongest terms its condemnation of all acts of terrorism. This is evidenced by, inter alia, resolutions such as [Resolution 2090 \(2016\) \*Combating international terrorism while protecting Council of Europe standards and values\*](#), [Resolution 2091 \(2016\) \*Foreign fighters in Syria and Iraq\*](#), [Resolution 2113 \(2016\) \*After the Brussels attacks, an urgent need to address security failures and step up counter-terrorism co-operation\*](#), [Resolution 2190 \(2017\) \*on Prosecuting and punishing the crimes against humanity or even possible genocide committed by Daesh\*](#) and [Resolution 2211 \(2018\) \*on Funding of the terrorist group Daesh: lessons learned\*](#).
5. The Assembly has also stressed the need to create, when confronted by terrorism, positive alternative narratives aimed at denouncing extremist discourse and untruths, for example, dispelling illusions about the reality of territories held by Daesh and the fate of its recruits. This was the focus of the report on *Counter-narratives to terrorism* and the subsequently adopted [Resolution 2221 \(2018\)](#) and [Recommendation 2131 \(2018\)](#), to which our Committee contributed with an opinion.
6. Over the past three years, our Assembly has engaged in a variety of initiatives intended to encourage society to stand firm against all forms of political violence. In 2016, it launched the #NoHateNoFear initiative to encourage policy makers, academics, journalists, representatives of civil society and ordinary citizens to reject fear and hatred of any kind in order to tackle feelings of collective insecurity and the stigmatisation of certain groups in society.
7. Our Committee in particular heard testimonies, in June and October 2016, from survivors of terrorist attacks or relatives of victims who, along with experts in the field, provided valuable insight into the victims' perspective. Especially moving were the testimonies of Mr Bjørn Ihler, who escaped the 2011 Norway attacks on the island of Utøya; of Ms Luciana Milani, who lost her daughter in the November 2015 Paris attacks; and of Mr Antoine Leiris, who lost his wife in the same Paris attacks.
8. Furthermore, on 11 October 2016, Mr David Anderson, independent expert on anti-terrorist legislation, rightly emphasised that protecting human rights does not obstruct the fight against terrorism and extremism, but rather underlines its importance. Referring to the Islamic terrorist attacks in recent years, he stressed Europe's responsibility not just to enforce laws against terrorism but also to protect people, including Muslims, from the grievances and identity crises that could render them vulnerable to extremism, and in particular Salafi jihadism.
9. On 28 June 2017, the testimonies of Mr Brendan Cox, founder of the Jo Cox Foundation, named after the former MP murdered in 2016, Ms Sajda Mughal, Executive Director of the JAN Trust organisation and survivor of the 2015 London terrorist attack, and Imam Muhammad Imran, trainer in the 'Me and You' programme in Manchester, provided the Committee with insightful expertise on the active role that a resilient civil society, including victims and survivors' organisations, can play in the fight against terrorism.

---

<sup>2</sup> <https://www.europol.europa.eu/activities-services/main-reports/european-union-terrorism-situation-and-trend-report-2018-tesat-2018>.

10. Finally, on 22 May 2018 in Athens, our Committee held an exchange of views and a discussion on the Council of Europe's role in promoting support for the victims of terrorism with Mr Travis Frain, survivor of the Westminster terrorist attack and member of the UK organisation *Survivors against Terror*, Ms Susanne Gentz from the International Committee of the Red Cross, and Professor Mary Bossis from the University of Piraeus.

11. Most recently, the publication of the Council of Europe Counter-Terrorism Strategy (2018-2022) has set out a series of actions and tools designed to assist national authorities in the fight against terror<sup>3</sup>. This includes recognition of the fact that efforts to increase security and effectively combat terrorist organisations should be accompanied by better coordinated assistance to victims, which is the focus of my report.

12. I intend to analyse the importance of defining terrorism and victims with a view not only to better identifying the needs of the victims and the best strategies at national and international level to meet those needs but also to countering the evolving threat posed by terrorism.

13. I have also identified three case studies representing different approaches: Spain, the United Kingdom and France experienced a number of high-profile attacks in recent years and in some cases a history of terrorism going back many decades, allowing them to develop and implement victim support policies and strategies worth sharing with all Council of Europe member States. In addition, although Germany has a less prominent recent history of terrorism, its experience in recent years has revealed problems that can also provide valuable lessons for other countries to learn from.

14. On 14 November 2018, I paid a visit to Spain and would like to thank the authorities and civil society organisations for the fruitful discussions we had in Madrid, which have greatly informed my report. Finally, on 11 December, the Committee will exchange views with Mr Julien Rencki, Director of the French guarantee Fund for victims of terrorism and other criminal acts and with Ms Julie Heisserer, responsible for European and international relations of the inter-ministerial delegation for victim assistance to the French Ministry of Justice. Representatives from the United Kingdom and Germany have also been invited to attend one of the next meetings of the Committee.

## **2. Defining terrorism and victims: a complex but necessary endeavour**

### *2.1. Defining terrorism*

15. Terrorism as a phenomenon can take widely differing forms, therefore a universally agreed definition has proven difficult to establish. Authorities around the world use different definitions of terrorism in their national legislation, a problem often exacerbated by the politically and emotionally charged nature of the term<sup>4</sup>.

16. The very definition of terrorism generates questions and raises debates. The word can have different meanings depending on the place and the time. As the authors of the general report on "The fight against terrorism in law and jurisprudence of the European Union" note, the diversity of acts, subjects, objectives, histories and national responses explain "this protean character (which) is undoubtedly at the origin of the absence of a unitary definition of terrorism"<sup>5</sup>. These elements are divisive, and it is advisable to be cautious about a word that everyone can perceive as understood but which poses problems of analysis. According to some authors, there is a lack of complete agreement on the subject, the possibility of defining terrorism by its purpose and methods.

17. In a world where States are increasingly subject to the effects of globalisation, terrorism is no longer a domestic concern but a transnational security threat. Terrorist acts are usually carried out by non-state groups or even individual actors who may have been helped or are being helped by States. Terrorism is evidently unique as a security threat and its victims therefore require specialised support.

18. The challenge in designating a comprehensive definition of terrorism lies in the fact that motives, targets and methods differ broadly from case-to-case. Below are some definitions given by the major international organisations:

<sup>3</sup> [Council of Europe Counter-Terrorism Strategy \(2018-2022\)](#), 4 July 2018.

<sup>4</sup> The International Centre for Counter-Terrorism – The Hague (ICCT) [Radicalisation, De-Radicalisation, Counter-Radicalisation: A Conceptual Discussion and Literature Review](#), 27 March 2013.

<sup>5</sup> The fight against terrorism in law and jurisprudence of the European Union, Final report of the research conducted with the support of the Research Mission 'Law and Justice', under the direction of Emmanuelle Saulnier-Cassia, France, 2012, <http://www.gip-recherche-justice.fr/wp-content/uploads/2018/07/RF-Saulnier-Cassia-09.27-Rapport.pdf>.

- United Nations (UN): Criminal acts intended or calculated to provoke a state of terror in the public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them;<sup>6</sup>
- Council of Europe: The 2005 Council of Europe Convention on the Prevention of Terrorism (CETS No 196) does not provide a definition of terrorism but does criminalise public provocation to commit a terrorist offence and recruitment and training for terrorism. The Additional Protocol to the Convention was adopted by the Committee of Ministers in May 2015 and opened for signature in October 2015. The Protocol criminalises being recruited for terrorism, receiving training for terrorism, travelling to another State for purposes related to terrorism, and providing or collecting funds for such travel;<sup>7</sup>
- European Union (EU): Certain criminal offences against persons and property that given their nature or context, may seriously damage a country or an international organisation where committed with the aim of seriously intimidating a population, or unduly compelling a government or international organisation to perform or abstain from performing any act, or seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation;<sup>8</sup>
- North Atlantic Treaty Organization (NATO): The unlawful use or threatened use of force or violence, instilling fear and terror, against individuals or property in an attempt to coerce or intimidate governments or societies, or to gain control over a population, to achieve political, religious or ideological objectives.<sup>9</sup>

19. Over the last years, a number of devastating terror attacks in European countries have resulted in hundreds of fatalities. The deadliest ones were the Madrid attacks in 2004 (193 killed, more than 2000 wounded), followed by the Paris attacks in November 2015 (130 killed), the 2016 Nice attack (86 killed), and the 2016 Atatürk Airport attack (45 killed).

## 2.2. Defining victims

20. It is evident from the above definitions and examples of recent attacks that terror is, fundamentally, a form of ultra-violent communication and “acts of terror themselves are propaganda by the deed.”<sup>10</sup> Victims of terror serve as conduits for the message communicated by its perpetrators<sup>11</sup>. The victim is thus not an isolated by-product of an act of political violence, but an integral part of terrorism and, therefore, of countering it.

21. In order to ensure a comprehensive and effective counter-terrorism policy, it is critical that victims of terrorist attacks are readily identifiable and formally recognised by legislation, policies and procedures. As with the concept of terrorism however, there is also unfortunately no universally agreed definition of a “victim of terrorism”.

22. In a 1986 Declaration of Basic Principles, the UN defined victims of crime as “*persons who individually or collectively have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States.*”<sup>12</sup>

---

<sup>6</sup> United Nations Declaration on Measures to Eliminate International Terrorism, annex to UN General Assembly resolution 49/60, “Measures to Eliminate International Terrorism”, 9 December 1994, UN Resolution [A/Res/49/60](#).

<sup>7</sup> Council of Europe Convention on the Prevention of Terrorism, CETS No 196, <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/196>.

<sup>8</sup> Art. 1 of the Framework Decision on Combating Terrorism (2002).

<sup>9</sup> AAP-06 NATO Glossary of Terms and Definitions, Edition 2017.

<sup>10</sup> [Countering Terrorist Narratives](#), Policy Department for Citizens’ Rights and Constitutional Affairs, DG for International Policies of the Union, PE 596.829 – November 2017, Study for the Committee on Civil Liberties, Justice and Home Affairs (LIBE).

<sup>11</sup> Argomaniz, J. and Lynch, O., The Complexity of Terrorism – Victims, Perpetrators and Radicalization, *Studies in Conflict and Terrorism* 41(7), 2018.

<sup>12</sup> [Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power](#), adopted by General Assembly Resolution 40/34 of 29 November 1985.

23. The UN Report on the *Protection of human rights and fundamental freedoms while countering terrorism*, adopted by the General Assembly on 19 December 2011, provides for a classification of victims of terrorism according to four main categories: direct victims, secondary victims, indirect victims and potential victims<sup>13</sup>.

24. However, a study by the Policy Department for Citizens Rights and Constitutional Affairs of the European Parliament in 2017, titled *How can the EU and the Member States better help the victims of terrorism*, argued that this UN classification risks creating a hierarchical approach that overlooks psychological, physical and financial harm.<sup>14</sup>

25. Defining the victims of terrorism is complicated by the fact that victimhood can vary significantly not only between individuals and communities but also within them over time. While definitions may require narrowing or expanding according to the support offered, it is important that a broad definition is adopted at the initial stages of response to ensure no-one is unduly excluded.

26. It is also important to note that in addition to there being different categories of victims, within these categories certain groups can be considered vulnerable victims that may require tailored support. These include (but are not limited to) children, cross-border victims, and those with a history of mental illness, who should receive specialised support. Furthermore, every victim of terrorism should be afforded the same rights and services irrespective of, for example, residency or citizenship status.

### 2.3. Needs of victims

27. The public and indiscriminate nature of terrorism means that the experience of victims is unique and as a result their needs may be different to those of victims of 'ordinary' crime.

28. Basic needs common to all victims of crime include:

- recognition (of their victimhood and suffering);
- protection (from further violence and/or secondary victimisation);
- support (access to legal, financial, medical and psychological assistance, to information, and support in returning to a 'normal' personal and professional life);
- justice;
- compensation.

29. Furthermore, victims' needs may evolve over time. While some of these needs may be met by existing mechanisms and structures for supporting victims of 'ordinary' crime, often a tailored approach is required.

### 2.4. Why protecting and supporting victims is important for all

30. Providing victims the recognition and support they deserve is an important act of reaffirming their dignity and empowering them to become survivors rather than simply victims. As survivors, they are able to create their own counter-narratives of human rights, resilience, justice, love and respect, which can be powerful tools in combatting the spread of extremism. The numerous hearings organised by the Committee over the past years have shown that victims are, in fact, often the best positioned actors to counter violent extremism.

31. Given that modern terrorist attacks are generally directed at the State rather than individuals, the State therefore has not only a legal but also a moral obligation to protect and support victims. It is widely accepted that counter-terrorism strategies must comply with international standards and norms relating to human rights and fundamental freedoms, and victim support is no exception to this<sup>15</sup>.

32. Most counter-terrorism efforts focus on eliminating the physical threat through counter-radicalisation, law enforcement and security measures designed to prevent attacks from taking place. I strongly believe that supporting, empowering and humanising victims in the aftermath of an attack is equally important to neutralising the psychological threat. Constructing a positive counter-narrative which declares that terror will not prevail against fundamental principles of democracy and human rights therefore has clear strategic purposes<sup>16</sup>. This was made clear in [Resolution 2221](#) on counter-narratives stating that victims could play an

<sup>13</sup> [A/RES/66/171](#).

<sup>14</sup> [How can the EU and the Member States better help the victims of terrorism?](#), Study for the LIBE Committee, 2017.

<sup>15</sup> [Good Practices in Supporting Victims of Terrorism within the Criminal Justice Framework](#), United Nations Office on Drugs and Crime, 2016.

<sup>16</sup> Javier Martín-Peña, Ana Andrés, Pedro J. Ramos-Villagrasa & Jordi Escartín, Living under threat: psychosocial effects on victims of terrorism, Behavioral Sciences of Terrorism and Political Aggression, 9(3), 2016.

important role in delivering “positive, proactive alternative narratives” for “promoting shared values and facilitating conversation, encouraging awareness and dispelling misinformation”<sup>17</sup>.

33. By targeting civilians and individuals in particular, the aim of any terrorist action is to weaken the rule of law and generate "radicalism" within institutions as well as public opinion. However, the massive demonstrations of unity and solidarity in the aftermath of an attack have demonstrated how support for human rights and democratic values can be galvanised by terrorism. Antoine Leiris, who testified in front of the Committee, wrote following the November 2015 Paris attack in which his wife was killed:

*“[the terrorists] will not have my hatred”.*

This simple statement is a salient reminder of the power of supporting and empowering victims in minimising the damage caused by terrorism.

### **3. Victim support at the national level: a twofold approach**

34. The support offered to victims of terrorism at the national level generally comes from one of two sources: the national authorities, through legal and institutional measures, or from non-governmental civil society organisations. These are not mutually-exclusive and the support provided by civil society should in no way abrogate the responsibilities and obligations of the State for supporting victims. The natural synergies arising between the two should encourage close co-operation and a comprehensive approach to victim support.

#### *3.1. Legal and institutional measures provided by national authorities*

35. Many member States of the Council of Europe have legal and institutional measures in place for providing victims of crime with support. These measures are rarely specific to victims of terrorism.

36. In this respect, governments often designate an agency within the criminal justice sector responsible for implementing policies tailored specifically towards supporting victims of terrorism. It is recommended that a single agency is established as a point of contact for victims and is responsible for co-ordinating the various support services available, thereby ensuring a coherent and comprehensive victim-oriented strategy<sup>18</sup>.

37. Given the increasingly globalised nature of terrorism and its victims, it is important that the agency or agencies established for supporting victims of terrorism are appropriately trained to assist those victims who are not residents or citizens of the territory where an attack takes place. Cross-border victims are often unaware of their rights in the country where the attack took place and so it is imperative that national authorities proactively communicate with them to make them aware of the available support<sup>19</sup>. In many cases this may require collaboration with other governments or through international organisations.

38. Similarly, other groups of victims can be considered ‘vulnerable’, such as children or those with a history of mental health problems, and should be afforded special attention as a result. The use of needs assessments is recommended in this regard for identifying those with particular needs that may not be met through ordinary victim support services<sup>20</sup>.

39. In addition, governments should also ensure that non-specific victim support agencies in the criminal justice sector are appropriately trained and resourced for supporting the needs of victims of terrorism.

40. Where possible, victims should be given the opportunity to hear, participate and/or otherwise be involved in the judicial process if they so desire. This is imperative to meeting the victims’ right to truth and justice, thereby contributing to the empowerment of victims, the strengthening of public trust and social solidarity, and as a result the minimisation of harm caused by a terror attack<sup>21</sup>. My discussions with the Spanish authorities the *Audiencia Nacional* in particular, have confirmed this point.

41. Financial support is often a point of serious concern for victims of terrorism, as the attack can inflict both immediate and longer term financial costs which serve to exacerbate the original trauma. While victims of

---

<sup>17</sup> [Report on Counter-narratives to terrorism](#), PACE Committee on Legal Affairs and Human Rights, 2018.

<sup>18</sup> [Good Practices in Supporting Victims of Terrorism within the Criminal Justice Framework](#), UNODC, 2015.

<sup>19</sup> [Challenges and solutions with respect to the provision of support to victims of crime in a cross-border situation](#), Victim Support Europe, 2017.

<sup>20</sup> [“How can the EU and the Member States better help victims of terrorism?” – European Parliament Citizens’ Rights and Constitutional Affairs Policy Department, 2017.](#)

<sup>21</sup> ONUDC, *op. cit.*

terrorism are usually covered by the same compensation structures available to victims of ordinary crime, this is not always the case or it may be difficult to access, particularly for cross-border victims<sup>22</sup>. Many attacks in recent years have seen charity appeals established in response, allowing the public to donate to victims. However these tend to be formed on an *ad hoc*, reactive basis which may lead to inconsistent or inefficient distribution and in some cases even fraud<sup>23</sup>.

42. National authorities should therefore ensure that appropriate forms of financial support are available to all victims of terrorism, irrespective of residency or citizenship status, and that some degree of oversight is exercised in the case of charitable appeals to ensure money is raised and distributed efficiently and effectively.

43. Ensuring that support for victims of terrorism is co-ordinated, comprehensive and effective is vital to avoiding secondary victimisation, which results not from the original criminal act but from the institutional response to the victim. Victim support policies and institutional frameworks should seek to minimise or eliminate all unnecessary bureaucratic burdens, ensure consistency in the provision of services across cases, and maximise transparency for victims in order to strengthen public trust and a deep sense of solidarity.

44. Governments should also be aware that upholding the privacy and dignity of victims is important to avoiding secondary victimisation. This means, with respect to freedom of the press, discouraging unnecessary intrusion of the media and any form of sensationalist or dishonourable reporting that may be seen as degrading to victims<sup>24</sup>.

### 3.2. *The essential role of civil society*

45. Whilst governments are responsible first and foremost for protecting and supporting victims of terrorism, nongovernmental and civil society organisations can play an important, complementary role in the development and implementation of policies and services of support for victims.

46. As discussed during the various hearings organised by the Committee, civil society is uniquely placed to understand the needs and interests of victims (many organisations are founded or run by victims themselves). It is therefore in the interests of national authorities and international organisations to share information, engage in mutual consultation, facilitate referrals, and co-ordinate activities with non-governmental organisations involved in supporting victims of terrorism.

47. Victims' organisations have an especially important role to play in sensitising all societal actors to the needs of those affected by terrorist acts by engaging in public discourse and advocacy work on their behalf<sup>25</sup>. This can include providing moral counter narratives for preventing further extremism and promoting tolerance, nonviolence and other fundamental values, therefore serving a clear strategic purpose to governments and international organisations in combatting terrorism<sup>26</sup>.

48. In many countries, national authorities provide funding to victims' organisations to further help them in their work. Governments should therefore be attuned to the needs of these organisations and transparent in the decision-making that affects this funding. For this reason, governments should engage in continual consultation with and review of civil society organisations and their activities in order to ensure resources are used efficiently and effectively.

49. Ideally, co-operation between authorities and civil society should be formalised through memorandums of understanding or other forms of agreement. This can prove valuable in facilitating co-ordination and ensuring the coherence of victim support while reducing bureaucratic burdens, therefore also minimising the risk of secondary victimisation.

## 4. **The growing importance of victim support at international and multilateral levels**

50. A combination of the increasingly transnational nature of terrorism and the greater global mobility that many enjoy today means it is increasingly possible that citizens of one State can become victims of terrorism

<sup>22</sup> [Peer-support Groups for Cross-border Victims of Terrorism: Lessons Learnt in the UK after the 9/11 and Paris Attacks](#), Watkins, J., Australian Journal of Emergency Management, 2017.

<sup>23</sup> Survivors Against Terror and the Tim Parry Johnathan Ball Peace Foundation, The Case for a new British Solidarity Fund, 2018.

<sup>24</sup> [Guidelines for Assistance to Victims of Terrorism](#), 2017.

<sup>25</sup> [Background Paper on Solidarity with the Victims of Terrorism](#), OSCE, 2005.

<sup>26</sup> Argomaniz, J. et Lynch, O., *op. cit.*

in another. In the 2017 terror attacks in Barcelona and Cambrils, Spain, citizens of no fewer than 34 countries were affected. The international community therefore has an obvious and urgent interest in ensuring all victims are supported following a terror attack, irrespective of their citizenship or residency status in the State where it takes place. International organisations have a central role to play in overseeing and facilitating the co-operation necessary for this.

#### 4.1. The Council of Europe

51. In 2001, following the attacks in the United States, the Council of Europe set up a multidisciplinary group on International Action against terrorism, which in 2003 transformed into the Committee of Experts on Terrorism (CODEXTER). CODEXTER prioritised the facilitation of the exchange of best practices on compensation schemes for victims of terrorism through the work of the Group of Specialists for assistance to victims<sup>27</sup>. CODEXTER has since evolved into the Committee on Counter-Terrorism (CDCT) which acts as the key co-ordinating body for the Council's activities to combat terrorism, overseeing and ensuring the successful implementation of relevant legal instruments. The CDCT examines how cases relating to victims of terrorist attacks (particularly those with transnational dimensions) are handled, identifies best practices, and drafts recommendations or guidelines on this issue, in co-operation with the European Committee on Crime Problems and the Steering Committee for Human Rights.

52. The work and co-ordination by the different bodies of the Council of Europe resulted in the adoption of the 2006 Recommendation on assistance to victims, which emphasised the need for specific victim support services and training of professionals who work with victims<sup>28</sup>.

53. In May 2017, member States of the Council of Europe adopted new guidelines regarding support, information and compensation provided for victims of terrorist attacks<sup>29</sup>. The Council of Europe recommends that the governments of member States be guided in their legislation and practice by these guidelines. Its main recommendations and principles include:

- authorities must provide victims of terrorist attacks with timely help and organise avenues for prolonged medical, psychological, social and material support;
- authorities in every member State must also organise information centres for the victims and ensure that they have access to legal aid and receive compensation in an adequate and timely manner irrespective of their nationality or residency status;
- governments need to be able to provide all these measures for all victims, without discrimination, and independently of any judicial proceedings relating to the perpetrator/s;
- these guidelines refer to the victims' right to maintain private and family lives and ensuring societal recognition and remembrance of victims.

54. Article 13 of the 2005 Convention on the Prevention of Terrorism establishes that measures "*to protect and support the victims of terrorism that has been committed within a Party's own territory*" may include "*inter alia, financial assistance and compensation for victims of terrorism and their close family members.*" However, this provision applies only to victims within a member State's territory and does not cover European nationals affected by terrorism outside of Europe.

55. Member States are generally reluctant to introduce detailed provisions on compensation to victims in international legal instruments, due to the significant financial ramifications. Most Parties to the Convention have taken steps to provide for victims of terrorism but more could certainly be done. Introducing new binding international instruments may not be the best way to proceed. In the first instance, a recommendation by the Committee of Ministers on the matter could be the most feasible solution. At present, the CDCT has chosen to prioritise measures aimed at dealing with the serious threat posed by Daesh and similar terrorist organisations.

---

<sup>27</sup> This group discussed modern methods of assistance to victims and of victimisation prevention. The group focused on victims of terrorist acts initially and elaborated recommendations setting out, inter alia, appropriate standards and principles in this area.

<sup>28</sup> [Council of Europe Committee of Ministers Rec\(2006\)8 on assistance to crime victims](#), 2006.

<sup>29</sup> [Revised Guidelines of the Committee of Ministers on the protection of victims of terrorist attacks](#), 2017.



56. In July 2018, the Committee of Ministers adopted a new Counter-Terrorism Strategy (2018-2022) based on prevention, prosecution and protection, including assistance to victims<sup>30</sup>. In particular, this requests that victims' assistance be given an international dimension due to the increased likelihood of citizens of member States becoming victims in other European countries and outside of Europe. I plan to invite a Council of Europe representative to one of the next meetings to further clarify the Organisation's contribution to this matter.

#### 4.2. *The United Nations*

57. The UN has three main objectives in the field of supporting victims of terrorism: ensuring that their voices are heard, respecting their fundamental rights, and considering them allies in the fight against terrorism and violent extremism.<sup>31</sup>

58. The UN Secretary General, the UN High Commissioner on Human Rights and the UN Office on Drugs and Crime (UNODC) have combined forces to reflect upon how to better recognise and address the particular needs of victims of terrorism.

59. In June 2014, the UN Secretary General, with the important support of Spain, launched a web portal for victims of terrorism to facilitate access to resources by victims, their families and communities. This includes psychosocial support, access to national criminal justice systems or rehabilitation opportunities offered by member States.<sup>32</sup>

60. In April 2015, the Terrorism Prevention Branch of the UNODC launched a handbook on "*Good Practices for Supporting Victims of Terrorism within the Criminal Justice Framework*"<sup>33</sup>. This addresses the legal framework and institutional capacity for international efforts aimed at protecting victims of terrorism, the means deployed to support them during criminal investigations, and the role of civil society organisations in assisting with these efforts. In October 2015, an informal meeting of the Security Council on victims of terrorism was proposed by Spain, thus giving a voice to victims for the first time before the Security Council.

61. In 2016, within the framework of the UN Global Counter-Terrorism Strategy, a Conference on The Human Rights of Victims of Terrorism was organised by the UN Counter-Terrorism Centre (UNCCT) under the auspices of the Counter-Terrorism Implementation Task Force (CTITF) Working Group on Supporting and Highlighting Victims of Terrorism and in collaboration with the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. The objectives were to raise awareness on the rights of victims of terrorism and to examine how States can strengthen their national legislation, procedures and practices to better protect and support victims, their communities and their families. A resulting report on the "Framework Principles for Securing the Human Rights of Victims of Terrorism" (A/HRC/20/14) by the Special Rapporteur put forward a set of recommendations for member States to uphold their international obligations in this regard.

#### 4.3. *The European Union*

62. Despite the EU's efforts, extensive action on victims' rights was impeded by the founding Treaties themselves, which did not expressly refer to victims of crime. Recognising this gap, at the EU Summit in Lisbon in 2007, the Council agreed on an additional legal basis in the EU Treaties to ensure victim protection. This provided the foundation and impetus for reviewing victims' rights and drafting the principal EU instrument for the recognition of victims' rights, the 2012 Victims' Rights Directive<sup>34</sup>.

63. The Directive is based on meeting the five broad needs of victims: respect and recognition, protection, support, access to justice and compensation. It also extended the definition of a victim from just direct victims to include bereaved family members. It also recognises the needs of particularly vulnerable victims, and specifically refers to victims of terrorism, emphasising that they may need special attention, support and protection due to the particular nature of the crime that has been committed against them.

64. In March 2017, the Council of the European Union approved the EU Directive on Combating Terrorism, which has a greater focus on victims of terrorism.<sup>35</sup> The Directive recommends a comprehensive response to the specific needs of victims of terrorism, provided immediately after a terrorist attack for as long as is

<sup>30</sup> [Council of Europe Counter-Terrorism Strategy \(2018-2022\)](#), 2018.

<sup>31</sup> [Geneva Conference on Preventing Violent Extremism, UN Department of Political Affairs](#), 2016.

<sup>32</sup> [Supporting and Highlighting Victims of Terrorism](#), UN Office of Counter-Terrorism Implementation Task Force, 2018.

<sup>33</sup> [Good Practices for Supporting Victims of Terrorism within the Criminal Justice Framework](#), UNODC.

<sup>34</sup> [Directive 2012/29/EU of the European Parliament, 2012](#).

<sup>35</sup> [Directive \(EU\) 2017/541 of the European Parliament, 2017](#).

necessary, is provided within the national emergency-response infrastructure. It also prioritises the need to ensure that all victims of terrorism have access to information about victims' rights, available support services and compensation schemes in the member State where the terrorist offence was committed.

65. On 10 March 2017, on the occasion of the European Remembrance Day for Victims of Terrorism, the Ministers and Ministers of State in charge of victims assistance for Belgium, the Czech Republic, France, Greece, Hungary, the Italy, Romania, Spain and the UK issued guidelines for assistance to victims of terrorism.<sup>36</sup>

66. This was a co-ordinated response to the call on the construction of an interdisciplinary and better co-ordinated international policy for victims assistance emphasised at the International Conference for Victims Assistance in Paris, at UNESCO, on 9 January 2017 and taking into account the 2012 EU Victims' Rights Directive, the 2004 Compensation Directive and the recent provisions on support, assistance and protection to victims of terrorism under the Counter-terrorism Directive adopted by the Council on 7 March 2017.

#### *4.4. Organisation for Security and Cooperation in Europe (OSCE)*

67. The OSCE has also passed a number of decisions encouraging participating states to introduce or enhance measures for support to victims of terrorism. For example, Permanent Council Decision No. 618 on Solidarity with Victims of Terrorism of July 2004 encouraged participating States to co-operate with relevant institutions and civil society in expressing solidarity with and providing support for victims of terrorism.

68. OSCE Permanent Council decision No. 1063 of December 2012 on the OSCE Consolidated Framework for the Fight Against Terrorism provides that OSCE activities intended to enhance co-operation and build capacity to prevent and combat terrorism should "place a focus on the role of victims of terrorism and their families, promoting best practices in the area of solidarity with them and ensuring that their voices are heard."

### **5. Case studies: different approaches from different experiences**

69. The growing importance of victim support at national, international and multilateral levels is evidenced by the number of policies and legal tools now available to all Council of Europe member States. However, policies and implementation vary greatly, and our Assembly has a role to play in pushing for better protection and assistance to victims.

70. A number of high-profile attacks in recent years and in some cases a history of terrorism going back many decades means that Spain, the United Kingdom and France have had more experience to draw upon than other Council of Europe member States in developing and implementing victim support policies and strategies. Although Germany has a less prominent history of terrorism, its experience in recent years has revealed problems that can provide valuable lessons for other countries to learn from.

#### *5.1. Spain: an edifying past*

71. On 14 November 2018, I paid a fact-finding visit to Madrid and I wish to thank all the interlocutors who took the time to explain how the system works in their country and sent me additional comments and recommendations for my report. Spain has a regrettably long history of terrorist violence dating back to the 1960s and, as a result, has developed, starting in 1979, some of the most advanced policies in the world for protecting and supporting victims of terrorism<sup>37</sup>.

72. In Spain a victim of terrorism can be legally defined in two ways. A general definition for victims of crime recognises direct victims and, in the case of death, their family members too. A more specific definition for terrorism is defined as "persons who suffered physical and/or psychological damage as a result of terrorist activities".

73. The latter definition was introduced by the 2011 Law on Recognition and Integral Protection of Victims of Terrorism<sup>38</sup>, which grants victims of terrorism the right to aid, benefits and indemnities. The Spanish legislator consolidated the previously fragmented legislation in a single normative body. Law 29/2011 provides for a quantitative and qualitative increase, with respect to previous legislation, in the assistance, support,

---

<sup>36</sup> [Guidelines for Assistance to Victims of Terrorism, 2017.](#)

<sup>37</sup> Argomaniz, J, State responses to victims of terrorism needs in Spain, in J Argomaniz & O Lynch (eds), *International Perspectives on Terrorist Victimisation: An Interdisciplinary Approach. Rethinking Political Violence*, Palgrave, Basingstoke, 2015.

<sup>38</sup> Article 4, Ley 29/2011, Reconocimiento y Protección Integral a las Víctimas del Terrorismo, 2011.

honours and measures of protection to which victims of terrorism are entitled. Its application is retroactive and covers those who suffered acts of terrorism from 1960 onwards. The system provides equal treatment to victims of attacks in Spain, irrespective of their nationality. It also gives special consideration and protection to Spanish victims of terrorism abroad.

74. The Spanish legislator gives victims of acts of terrorism a political significance by expressly recognising them as symbols of the defence of the democratic rule of law vis-à-vis the terrorist threat. It also considers victims of terrorism as victims of human rights violations, strengthening the legal status of victims and creating binding legal obligations for the State. The law, guided by principles of memory, dignity, justice and truth, seeks to provide victims with comprehensive support.

75. With regard to support, Law 29/2011 created the office of Information and Assistance to victims of terrorism of the *Audiencia Nacional*, which provides special legal assistance, including psychological support, to victims.

76. Furthermore, the Directorate General for Support to Victims of Terrorism in the Interior Ministry also gives information and provides support. Moreover, it provides vocational and other forms of practical support, such as housing. It can also refer victims to specialised non-governmental and civil society organisations that can provide more customised assistance. As a “one stop shop”, a trained team of social workers offers special help in the psycho-social area. In addition, a National Network of Psychologists, specialising in support to victims of terrorism, is co-ordinated and sponsored by the Interior Ministry. During my meeting in Madrid, they advocated the creation of a network of the authorities responsible for providing support and assistance to victims in each Council of Europe member State, as well as a European chart of the rights of the victims of terrorism, to facilitate communication and co-ordination in Europe.

77. Further support is provided by regional Victim Support Offices throughout Spain, which provide victims with information and psychological and practical support, often in collaboration with NGOs.

78. The associative movement of victims of terrorism is of paramount importance in the Spanish system. There are several national and regional associations and two public foundations, under the authority of the Interior Ministry. I met with members of the *Asociación de Víctimas del Terrorismo* (Association of Victims of Terrorism (AVT)), which is the foremost non-governmental victims’ organisation in Spain, representing and defending the interests of victims of terrorism and providing moral and material support. In June 2017, the AVT launched a European online platform to assist victims of terrorism (EPAVT)<sup>39</sup>. The AVT advocates an official census of victims of terrorism, both for new and past attacks, with a view to avoiding the damages and hardships that victims frequently must endure to prove their condition. They also insist on a co-operation mechanism among national authorities responsible for the assistance to victims of terrorism and recommend the adoption of a European statute for victims of terrorism as well as the setting-up of a European office for the assistance to victims of terrorism.

79. Although Spain mobilised and mobilised strongly towards and in favour of the victims of terrorist acts, the representatives we met admitted that they did not have a long and precise follow-up of the situations of the victims, which would presuppose maintained contact, information and an opportunity to follow their requests throughout a large part of their personal and professional life. This point deserves to be clarified in order to know if the status carries a long term intervention of the State and to know if the answer to the needs of the victims is effective throughout their life.

80. A highlight of my visit to Madrid was my exchange with Jonan Fernández, Secretary General of human rights, coexistence and co-operation of the Basque Government, and with Enrique Ullibarriarana Errasti, Director for the victims and human rights in the Basque Government.

81. In April 2018, the Basque separatist group ETA, responsible for more than 800 deaths over a dark and traumatic period of decades-long violence and terrorism, announced its dissolution. The Spanish government reacted by saying that the terrorist group had already been defeated with the weapons of democracy and the strength of the rule of law and. First the Law of Solidarity with the Victims of Terrorism, and then the 2011 Law, have guaranteed a degree of assistance and compensation to all victims.

82. For its part, the Basque Government has established direct contacts with all the victims, wherever possible by going to their home, offering individual assistance and supporting victims’ associations. Since 2011, it started collecting individual stories and testimonies to be used in school programmes, reaching over 14 000 students. These socio-educational programmes are not only helpful to prevent extremism and violent radicalisation in younger generations, but also critical for the victims themselves, allowing them to overcome

<sup>39</sup> [European Platform to Assist Victims of Terrorism](#), 2017.

victimisation, reconstruct their life and share their experience as survivors. In 2018, the Basque Government also adopted a Plan for Coexistence and Human Rights 2017-2020 to address the threat of religiously motivated international terrorism, which I believe deserves further consideration by our Committee in the context of de-radicalisation and reinsertion of former foreign fighters.

83. In Mr Fernandez's view, terror, war and violence have always tried to find their justification in absolute values, such as homeland, identity or religion. Through education and strong policies, we need to stress the supreme value of human dignity, peace, non-violence and human rights, which surpass and defeat any political or religious cause. Victims of terrorism can be valuable allies in this battle.

## 5.2. France: a permanent and intensified fight

84. Terrorism has become an increasingly salient concern for French citizens as a number of high-profile attacks have hit the country over the past five years. Most notably, the Paris attacks of 2015 in which 130 were killed and more than 400 were injured led to a heightened fear of further attacks and an official state of emergency lasting two years. In addition, an inter-ministerial delegation to the Ministry of Justice succeeded the State Secretariat for Victims Rights in 2016.

85. According to the Interministerial Instruction on Taking Charge of Victims of Acts of Terrorism of 6 October 2008<sup>40</sup>, victims of acts of terrorism in France are entitled to support from both institutional and civil society actors. Specifically, the decree deals with both victims of attacks on national soil and French victims of attacks on foreign territory. In both instances, the document outlines the policies of emergency services and of judicial process; the necessary steps to formally declare the incident as terrorist attack; how to establish a list of victims and relevant information concerning their families; and the medical and social actions to be undertaken.

86. Concretely, the provisions include legal and psychological support, indemnity, the same rights and advantages guaranteed to victims of war, exoneration from certain taxes and special recognition as a "victim of terrorism". A Presidential decree in July 2016 also introduced the National Recognition Medal (*Légion d'Honneur*) for Victims of Terrorism "to manifest the nation's homage to people who have been killed, wounded or held hostage during terrorist attacks"<sup>41</sup>.

87. The wave of attacks that struck France in the 1980s resulted in legislation to create a specific system to provide compensation for the damages suffered by victims of terrorism, leading to the creation of a terrorism fund in 1986, which then became the Guarantee Fund for Victims of Terrorism and Other Offences (FGTI) in 1990.

88. Since its creation, French or foreign victims of terrorist acts occurring in France, from 1 January 1985 onwards, and French victims of acts of terrorism occurring abroad can request compensation from the FGTI following a special procedure. This is different from that of other offences under ordinary law. When the authorities pass on information regarding the circumstances surrounding the terrorist act and the identity of the victims to the FGTI, the Fund's dedicated terrorist victim compensation team contacts them directly. It helps them to put together their application and strives to make funds available quickly in order to cover any initial costs. The Fund sets out a compensation proposal to victims within three months of a definitive assessment of the damage having been determined.

89. A number of civil society organisations aim to help and support victims of terrorism in France. The most prominent is the French Association of Victims of Terrorism (*Association française des victimes du terrorisme*) whose main goal is to help victims of terrorism with all their legal proceedings and their requests to the different administrations in charge of indemnifying the victims. The association informs the victims of their rights and co-ordinates their actions against the various public and private organisms, at the national or international level.

90. Despite all the structures of support in place, there is some evidence to suggest that getting support can be difficult. The paperwork required to receive compensation can be intensely bureaucratic and there is nothing to help with the immediate expenses of victims, like funerals and medical care, leading some lawyers and victims' organisations to ask for an increase in staff and funds for tackling the administrative backlog created by the rise in applications seen in recent years<sup>42</sup>.

---

<sup>40</sup> [Interministerial Instruction on Taking Charge of Victims of Acts of Terrorism](#), 2008.

<sup>41</sup> [Légion d'Honneur](#), 2016.

<sup>42</sup> [The victims of terror in France are reeling, and buried in a mountain of paperwork](#), *Canada's National Observer*, 2018.

### 5.3. *United Kingdom: a mixed experience*

91. The UK has had considerable experience of terrorism as a result of the conflict in Northern Ireland and a number of high profile attacks in more recent years. While each type of terrorism is quite different, the UK government has been able to draw upon the experience of both in its policies for supporting victims of terrorism.

92. In 2017, the United Kingdom established a cross-government Victims of Terrorism unit to co-ordinate support to UK citizens directly affected by terror attacks at home and overseas. This unit works across government, civil society and local authorities to ensure that support to victims of terrorism is comprehensive, co-ordinated and clearly communicated.

93. The government also developed webpages to provide comprehensive advice to victims and to signpost them to support services in the UK<sup>43</sup>. It has also been working closely with local authorities to highlight the support available, and make sure that payments from the “We Love Manchester Emergency Fund” and the UK Solidarity Fund do not affect benefits payments.

94. Legally, support for victims of terrorist acts within the UK is covered by the Code of Practice for Victims of Crime of October 2015, which gives survivors entitlements from the criminal justice system and tailors services to individual needs. This also entitles victims to make a “Victim Personal Statement” during criminal proceedings.

95. Notably, legislative changes passed in early 2017 mean that in the UK victims of attacks carried out with vehicles (like that on London Bridge and at Finsbury Park in 2017) are now entitled to compensation for life from the Motor Insurance Bureau<sup>44</sup>. This was a proactive update to victim support which proved timely, illustrating the importance of ensuring support for victims evolves at the same pace as threats.

96. With regards to overseas attacks, in November 2012 the first ever Victims of Overseas Terrorism Scheme (a State funded compensation scheme) was introduced by the British government. This scheme pays out only for certain terror attacks however, as decided by the Foreign Secretary.

97. Following the attack on 22 May 2017 in Manchester, an independent review (the “Kerslake Report”) on the preparedness and response of authorities to the attack was carried out. While commendable that such a review was undertaken, its findings on the experiences of victims after the attack were not positive. Many were unaware of the support available to them or how to access it, and of those who did many found it unsatisfactory, especially for children who were disproportionately affected in the attack<sup>45</sup>.

98. Evidence heard by the Committee on 22 May 2018 from a survivor of the London Bridge attack, Mr Travis Frain, further suggested that although the legal structures may be in place in the UK, the support provided in reality was inadequate. He alleged that he and other survivors had to “*fight to gain any real form of support*” and that they only heard from the police five months after the attack<sup>46</sup>.

99. Lastly, the government has agreed to provide grants to UK-based organisations and foundations, which aim at bringing together victims and survivors of terrorism/political violence in order to assist them addressing their trauma and moving forward. Among these are: the British Red Cross, Victim Support, and the Foundation for Peace Survivors Assistance Network. Some have however criticised the short-term nature of these grants as inadequate for an organisation to provide long-term support for victims. In his testimony to the Committee, Travis Frain commented that the Survivors Assistance Network had seen a 600% increase in referrals since last year’s attacks but was yet to have their funding confirmed.

### 5.4. *Germany: learning from mistakes*

100. Terrorism in Germany is not a new phenomenon, however it has not been as prevalent as in some other European states, and so support for victims has been arguably less developed as a result. Incidents in neighbouring countries and on German territory in recent years however mean that greater attention is now being paid to victims.

<sup>43</sup> [Support For Victims of Terrorism](#), 2017.

<sup>44</sup> [Untraced Drivers Agreement](#), 2017.

<sup>45</sup> [Kerslake Arena Review](#), 2018.

<sup>46</sup> [London terror attack victim tells parliamentarians: ‘I was treated with indifference’](#), PACE, 2018.

101. Since 2001 Germany has provided compensation for victims of extreme right-wing terrorism as a one-off payment. In 2010 the introduction of the budget law updated this to make provision for compensation for victims of other forms of terrorism e.g. left-wing or Islamic extremism<sup>47</sup>. These are intended to symbolise solidarity on behalf of the state with victims and to send a clear message condemning such attacks<sup>48</sup>. Germany had no dedicated system of compensation for victims of homicide however, and so in July 2017 an Act introducing the entitlement to survivors' benefits was introduced in order to acknowledge the suffering of the survivors<sup>49</sup>. According to this act, compensation was to be paid out on a case-by-case basis depending on the 'personal proximity' (*persönliches Näheverhältnis*) of the claimant to the deceased.

102. In the aftermath of the 2016 Christmas market attack in Berlin, serious shortcomings in the support offered to victims were revealed. Victims and the bereaved complained of a lack of timely information about what happened, the lack of official condolences from the authorities, and the inadequacy of financial support offered. Some families reported lengthy waits to hear if their loved ones were alive or dead and others even reported being sent bills for the autopsies of their relatives before receiving any formal condolences<sup>50</sup>. As the attack was initially classified officially as a road accident, victims struggled to gain the recognition and support available to victims of terrorism.

103. Although the authorities' response to victims was 'bureaucratically correct', the German government recognised that there were serious practical failures to support the victims and their families<sup>51</sup>. As a result, the government appointed an official Commissioner for the Victims to formally assess their needs, how the State had failed to provide for them, and what lessons were to be learnt<sup>52</sup>.

104. The Commissioner for Victims' review of procedures made recommendations for improvement and as a direct result the amount of compensation available to victims was tripled from €10,000 to €30,000 and became available to foreign victims for the first time<sup>53</sup>. It was also announced that the authorities would look into having a centralised unit for disseminating information to victims and their families so as to avoid the previous problems of slow and incoherent communication<sup>54</sup>.

105. The case of the 2016 Christmas market attack in Berlin demonstrates not only the importance of a proactive policy for supporting victims but also the need to continually review, assess and improve them if necessary.

## 6. Preliminary conclusions and recommendations

106. A terrorist attack is a traumatic event for individuals and communities both directly and indirectly victimised, often involving a violation of their most fundamental human rights. As a result, these victims often develop physical and emotional needs distinct to those of victims of 'ordinary' crime and therefore require tailored support to help them recover.

107. Governments must move beyond merely affirming their solidarity and towards ensuring concrete measures for the protection of the fundamental rights of victims. A number of existing instruments that should provide support and protection to the victims of terrorism have not been fully implemented and respected in practice and there is a need for a more consistent and systematic approach throughout Council of Europe member States.

108. In light of the above, member and observer States and States whose parliaments enjoy observer or partner for democracy status with the Parliamentary Assembly, should be recommended to:

108.1. with regards to recognition of victims of terrorism:

- officially recognise "victims of terrorism" in an universally-agreed framework to recognise their suffering on behalf of the State the act was directed against, to identify their needs as distinct to those of victims of 'ordinary' crime, and to facilitate their access to support services as a result;

<sup>47</sup> [Services for Victims of Extremist Attacks, Federal Office of Justice](#), 2018.

<sup>48</sup> [Information sheet for the compensation of victims of extremist attacks](#), Federal Office of Justice, 2018.

<sup>49</sup> ["How can the EU and the Member States better help victims of terrorism?"](#) – European Parliament, 2017.

<sup>50</sup> [German government criticized over terror victims compensation](#), Deutsche Welle, 2017.

<sup>51</sup> [Berlin Christmas market victims' families 'neglected'](#), Deutsche Welle, 2017.

<sup>52</sup> [Berlin Christmas market attack: 'We weren't prepared'](#), Deutsche Welle, 2017.

<sup>53</sup> [Germany aims to boost aid for terror victims after Berlin attack, commissioner says](#), Deutsche Welle, 2018.

<sup>54</sup> [Germany to boost support for victims after criticism over handling of terrorist attack](#), thelocal.de, 2017.

- consider carrying out a census of all persons affected by an attack, regardless of their nationality and residence status, and inform them in a comprehensive manner of their right of access to justice, the conditions of compensation and the existence of support organisations;
- ensure that the “victims of terrorism” status is legally and politically recognised internationally in order to provide cross-border victims with timely and adequate support;
- recognise the humanitarian, legal and strategic importance of providing prompt and effective support to victims at every stage of the recovery process – from the moment of the attack until it is no longer required – in order to empower victims and minimise the harm caused by terrorist attacks at both the individual and societal level;

108.2. with regards to supporting victims of terrorism at the national level:

- ensure that a dedicated agency is responsible for adopting a comprehensive, compassionate and victim-centred approach towards providing for the various needs of victims (medical, psychological, legal and financial);
- ensure that other agencies in the criminal justice sector, non-specific to victims of terrorism but with which victims of terrorism may interact, are adequately and continually trained and resourced for supporting victims of terrorism to ensure that all support services keep pace with the evolution of threats and attacks;
- co-ordinate the support provided by different agencies in order to minimise administrative burdens for victims, ensure consistency in the provision of services, and maximise transparency, with the intention of generally reducing the risk of secondary victimisation;
- demonstrate an awareness of the specific needs of vulnerable groups of victims, such as cross-border victims, minorities and children, and tailor support policies and mechanisms accordingly;
- provide, where possible, opportunity for victims of terrorism to participate in criminal justice proceedings in order to satisfy their need for justice;
- ensure that every effort is taken to adequately protect victims from further victimisation, by the original perpetrator/s (or those aligned with their cause), and from secondary victimisation as a result of their interactions with national authorities;
- uphold the dignity and privacy of victims by making them aware of their rights towards the media and by encouraging journalists to uphold certain ethical standards, avoiding degrading or sensationalist reporting, with respect to freedom of the press;
- provide appropriate financial assistance to victims of terrorism, irrespective of their residency or citizenship status in the State where the attack takes place, in a timely manner;
- consider establishing a dedicated charitable fund or at least exercise oversight of charity appeals to ensure that money raised by the public for supporting victims of terrorism is distributed efficiently and effectively;

108.3. with regards to supporting victims of terrorism in co-operation with civil society:

- engage and co-operate closely with civil society organisations, such as victims’ organisations, preferably through a formal agreement, on policymaking initiatives, awareness and fundraising campaigns, and research, education and training programmes;
- assist civil society and non-governmental organisations involved in providing support to the victims of terrorism within the criminal justice system in order to improve the delivery of justice-related services to support victims and their families;
- review the basis and implementation of grants awarded to non-governmental organisations, consult them on their needs, and monitor and evaluate the support services provided on a continual basis to ensure the most efficient and effective distribution of resources;

108.4. with regards to supporting victims of terrorism at the international level:

- implement existing guidelines and directives on supporting victims of terrorism, in particular the Council of Europe guidelines, on a proactive basis;
- uphold and conform to existing obligations under international human rights law in the development of policies for protecting and supporting victims of terrorism;
- share best-practices and expertise through international organisations and mechanisms in order for the international community to learn from the unique experiences of certain States;
- prioritise the improvement of support for cross-border victims of terrorism in future reforms to support structures, policies and mechanisms.

109. The Council of Europe and the European Union, for their part, could facilitate the setting-up of a network of the authorities responsible for providing support and assistance of victims in each Council of Europe member State, as well as a European chart of the rights of the victims of terrorism, to facilitate communication and coordination in Europe.

110. I also intend to look more specifically into ways to foster implementation of Article 13 of the 2005 Convention on the Prevention of Terrorism, with a view to further protecting and supporting the victims of terrorism that has been committed within a Party's own territory.

111. Finally, I realise that in my analysis I have omitted the phenomenon of State terrorism, which also involves politically, ideologically or religiously inspired acts of violence against individuals or groups outside of an armed conflict. The key difference is that agents of the State are carrying out the violence. As an example, topping the list of the number of deaths in Great Britain from acts of terrorism between 1968 and 2018, were deaths from State terrorism, all caused by the 1988 bombing by a Libyan government agent of Pan Am 103 over Lockerbie, Scotland, that killed 270 people.<sup>55</sup> I intend to ask the Committee what would be the best way to include this issue in my analysis.

---

<sup>55</sup> Dr Steve Hewitt, Terrorism by the State is still terrorism, University of Birmingham, accessed 26/11/2018 <https://www.birmingham.ac.uk/research/perspective/terrorism-by-the-state-is-still-terrorism.aspx>.