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Protecting and supporting the victims of terrorism

Report¹

Committee on Political Affairs and Democracy

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Summary

Victims of terrorist acts, with their specific physical, material, emotional and psychological needs, must be afforded adequate protection and support, and their dignity and human rights must be fully upheld. The report notes that a number of existing legal instruments have not been fully implemented and put in practice and stresses the need for a more consistent and systematic approach to protecting and supporting victims of terrorism throughout Council of Europe member States. Council of Europe member and observer States and States whose parliaments enjoy observer or partner for democracy status with the Parliamentary Assembly are therefore invited to take a number of measures related to the recognition of the status of victims of terrorism, specific support at the national and international level, as well as co-operation with civil society.

The European Union is also invited to ensure that the European Union Centre of Expertise for Victims of Terrorism also embraces a pan-European dimension and co-ordinates its activities with the Council of Europe and to examine, in consultation with the Council of Europe, the possibility of adopting a European charter of the rights of the victims of terrorism to facilitate recognition, communication and co-ordination in the wider Europe.

Finally, the Committee of Ministers is invited to call on all Council of Europe member States to show a more sustained commitment to ensure an adequate protection of victims of terrorist acts.

1. Reference to committee: Doc. 14271, Reference 4291 of 30 May 2017.



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A. Draft resolution²

1. The Parliamentary Assembly pays tribute to all innocent victims who were killed or wounded and traumatised during terrorist attacks in several Council of Europe member States and worldwide.

2. In their counter-terrorism strategies, governments and parliaments must ensure that the victims of terrorist attacks, with their specific physical, material, emotional and psychological needs, are afforded adequate protection and support, and that their dignity and human rights are fully upheld.

3. The Assembly notes that a number of existing legal instruments have not been fully implemented and put in practice and stresses the need for a more consistent and systematic approach to protecting and supporting victims of terrorism throughout Council of Europe member States. It therefore calls on its member and observer States and States whose parliaments enjoy observer or partner for democracy status with the Assembly:

3.1. with regard to the recognition of “victims of terrorism”, to:

3.1.1. officially recognise “victims of terrorism” in a universally agreed legal framework as a special category of victims, thus acknowledging their suffering on behalf of the State the act was directed against, identify their needs as distinct to those of victims of ‘ordinary’ crime, and facilitate access to support services, in particular for cross-border victims;

3.1.2. consider carrying out a census of all persons affected by an attack, regardless of their nationality and residence status, and inform them of their right of access to justice, the conditions of compensation and the existence of support services and organisations;

3.1.3. recognise the humanitarian, legal and strategic importance of providing prompt and effective support to victims at every stage of the recovery process to empower victims as survivors and minimise the harm at both the individual and societal level;

3.2. with regard to supporting victims of terrorism at the national level, to:

3.2.1. provide victims of terrorism with adequate urgent and long-term medical, psychological, material, legal and social assistance;

3.2.2. guarantee the right of the victims of terrorism to fair restitution, reparation or compensation, without any income requirement and irrespective of their residency or nationality status, in the State where the attack takes place, and apply it to members of their immediate family or beneficiaries of the direct victim;

3.2.3. ensure that a dedicated public body is responsible for catering to the needs of victims of terrorism through a comprehensive, compassionate and victim-centred approach;

3.2.4. develop multilingual information services and material outlining national victim support services;

3.2.5. ensure that public bodies and agencies, non-specific to victims of terrorism but with which victims of terrorism may interact, are adequately and continually trained and properly funded;

3.2.6. ensure co-ordination among relevant public bodies to minimise administrative burdens for victims, ensure consistency in the provision of services and maximise transparency;

3.2.7. pay attention to the specific needs of vulnerable groups of victims, such as cross-border victims, members of minorities, women, young people and children;

3.2.8. provide, where possible, opportunities for victims of terrorism to participate in criminal justice proceedings affecting them;

3.2.9. ensure that every effort is made to adequately protect victims from further victimisation, by the original perpetrators or those aligned with their cause, and from secondary victimisation, as a result of their interactions with the authorities;

3.2.10. uphold the dignity and privacy of the victims by making them aware of their rights towards the media and their right to control their privacy and their image, and by encouraging the press to uphold certain ethical standards and avoid degrading or sensationalist reporting, while respecting freedom of the press;

2. Draft resolution adopted unanimously by the committee on 27 June 2019.

- 3.2.11. raise public awareness of the risks that social media can represent when they convey information or images of a private and potentially shocking nature of the victims or of the terrorist attacks;
- 3.2.12. consider the creation of humanitarian funds arising from dedicated appeals for donations or, at the very least, supervise their conditions and ensure their control, to ensure that funds raised by the public are used effectively and efficiently;
- 3.2.13. counteract terror narratives and various forms of incitement, in line with Assembly [Resolution 2221 \(2018\)](#), through school programmes and awareness raising campaigns, underlying the supreme values of human dignity, peace, non-violence, tolerance and human rights and involve the victims of terrorist acts;
- 3.2.14. take appropriate measures to attain social recognition and remembrance of the victims, through initiatives such as museums, memorials and medals;
- 3.3. with regard to supporting victims of terrorism in co-operation with civil society, to:
 - 3.3.1. co-operate closely with civil society organisations, such as victims' organisations, preferably through a clear formal agreement, on policy-making initiatives, awareness and fundraising campaigns, as well as research, education and training programmes;
 - 3.3.2. assist civil society and, in particular, non-governmental organisations involved in providing support to the victims of terrorism within the criminal justice system to improve the delivery of justice-related services to support victims and their families and beneficiaries;
 - 3.3.3. 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 an efficient and effective distribution of resources;
- 3.4. with regard to supporting victims of terrorism at the international level, to:
 - 3.4.1. implement Article 13 of the Council of Europe Convention on the Prevention of Terrorism ([CETS no. 196](#)) on "Protection, compensation and support for victims of terrorism";
 - 3.4.2. implement the Revised Guidelines of the Committee of Ministers on the protection of victims of terrorist acts of 19 May 2017, on a proactive basis;
 - 3.4.3. strengthen international co-operation not only to fight more effectively against terrorist organisations but also to better share information between national compensation services and avoid situations of double compensation or non-compensation and co-ordinate assistance;
 - 3.4.4. share good practice, experiences and expertise also through international organisations to allow the international community to learn from the unique experience of certain States and thus support the training of professionals of victim support;
 - 3.4.5. prioritise the improvement of support for cross-border victims of terrorism in future reforms.
- 4. The Assembly invites the European Union to:
 - 4.1. ensure that the European Union Centre of Expertise for Victims of Terrorism also embraces a pan-European dimension and co-ordinates its activities with the Council of Europe, also with a view to promoting the full implementation of the Council of Europe Convention on the Prevention of Terrorism ([CETS no. 196](#)) and the 2015 Additional Protocol to the Convention ([CETS No 217](#)) and the Revised Guidelines of the Committee of Ministers on the protection of victims of terrorist acts of 19 May 2017;
 - 4.2. examine, in consultation with the Council of Europe, the possibility of adopting a European charter of the rights of the victims of terrorism to facilitate recognition, communication and co-ordination in the wider Europe and thereby highlight the importance of rights and recognition of the status of victims of terrorism.
- 5. Finally, the Assembly believes that the survivors of terrorist attacks, along with former terrorists and foreign fighters, should be actively involved in all efforts to prevent radicalisation leading to violent extremism in all Council of Europe member States, and resolves to closely follow this matter in its future work.

B. Draft recommendation³

1. The Parliamentary Assembly refers to Resolution ... (2019) on Protecting and supporting victims of terrorism and welcomes the action taken by some Council of Europe member States to accompany their counter-terrorism strategies with concrete measures to ensure appropriate protection and assistance to the victims of terrorism.
2. The Assembly also welcomes the 2017 Revised Guidelines of the Committee of Ministers on the protection of victims of terrorist acts as well as the Council of Europe Counter-Terrorism Strategy (2018-2022), which includes recognition of the fact that efforts to increase security and effectively combat terrorist organisations should be accompanied by better co-ordinated assistance to victims.
3. The Assembly considers that a more sustained commitment on the part of member States is needed to ensure an adequate protection of victims of terrorist acts in all Council of Europe member States. It wishes to stress that victims' assistance must 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.
4. Therefore, the Assembly calls on the Committee of Ministers to:
 - 4.1. recommend member States to:
 - 4.1.1. implement the Revised Guidelines of the Committee of Ministers on the protection of victims of terrorist acts of 19 May 2017, on a proactive basis;
 - 4.1.2. promote the full implementation of Article 13 of the Council of Europe Convention on the Prevention of Terrorism (CETS no. 196) on "Protection, compensation and support for victims of terrorism";
 - 4.1.3. strengthen international co-operation with a view to better sharing information between national compensation services and avoid a situation of double compensation and co-ordinate assistance;
 - 4.1.4. share good practices, experience and expertise, also through the Council of Europe and the European Union, to allow the international community to learn from the unique experience of certain States;
 - 4.1.5. prioritise the improvement of support for cross-border victims of terrorism in future reforms;
 - 4.2. speed up its work to establish a network of single contact points for the exchange of procedural information regarding the legal standing of victims of terrorism in the jurisdictions of the member States, as well as other relevant States, also outside Europe;
 - 4.3. examine, in consultation with the European Union, the possibility of adopting a European charter of the rights of the victims of terrorism to facilitate recognition, communication and co-ordination in the wider Europe.
5. The Assembly wishes to continue being fully informed about work on action against terrorism and the protection of victims done by the Committee of Ministers and by relevant committees and working parties.

3. Draft recommendation adopted unanimously by the committee on 27 June 2019.

C. Explanatory memorandum by Ms Karamanli, rapporteur

1. Introduction

1. Terrorism is not a new phenomenon in Europe. 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 and London in 2015, Brussels, Nice, Berlin and Istanbul in 2016, Manchester, Saint Petersburg, Stockholm, Paris and Barcelona in 2017, London in 2017 and 2018 and Strasbourg in 2018.

2. 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 United Kingdom. In the period of 2000-2017, there were 1 790 victims killed, including 740 victims killed in the European Union and 1 050 European victims killed outside the European Union. Among the 740 victims killed in the European Union, 614 were European Union nationals, 117 were of another nationality and 9 of unknown nationalities.⁴

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. However, it is at least equally important to ensure that both States and international organisations do not overlook the victims of terrorist attacks but afford them appropriate protection in their mission to defend dignity and to protect human rights and in their strategy of combating 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 \(2016\)](#) on Combating international terrorism while protecting Council of Europe standards and values; [Resolution 2091 \(2016\)](#) on Foreign fighters in Syria and Iraq; [Resolution 2113 \(2016\)](#) on 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 with 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 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. Before my appointment as Rapporteur on 25 January 2018, our committee had already been sensitive to the situation of the victims of terrorist attacks, and heard testimonies,⁵ in September and October 2016, from survivors 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.

4. Maite Pagazaurtundua-Ruiz, Black and white paper on terrorism in Europe: Victim's data and status. In defence of freedom and security against fanaticism in the 21st century, ALDE, Brussels-Madrid, May 2017.

5. See extracts from relevant hearings from 2016 to the present in [AS/Pol/Inf \(2019\) 08](#).

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.

10. 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 British 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.⁶ This includes recognition of the fact that efforts to increase security and effectively combat terrorist organisations should be accompanied by better co-ordinated assistance to victims, which is the focus of my report.

12. For the purpose of my analysis, I have defined the concept of victims of terrorism with a view mainly to better identifying their needs and the best strategies at national and international level to meet those needs.

13. I have identified four 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. In April, I participated in the conference in St. Petersburg on "Countering international terrorism".⁷ I spoke in the session on the "Role of international institutions in the construction of a common strategy to combat terrorism", stressing the link between this fundamental objective and the need to better protect victims. Indeed, it is right and effective to better protect the victims of terrorism. On the one hand, national solidarity must be concerned with equitable compensation for the special and abnormal damage suffered by victims. On the other hand, international organisations must be concerned to give guidelines for this protection in order to send a strong signal to victims and also to aggressors.

15. 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. On 11 December 2018, the committee held an exchange of 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. Furthermore, on 20 May 2019, the committee held a further exchange with the participation of Mr Jonas Knetsch, Professor at the Jean Monnet University, St. Etienne and Mr Christophe Poirel, Director, Human Rights Directorate of the Council of Europe. Representatives from the United Kingdom and Germany have also been invited to comment on my report and the German authorities have provided comments and suggestions. Finally, on 24 June 2019, the committee held an exchange of views with Professor Francis Eustache, Director of the Unit "Neuropsychology and Imaging of Human Memory", Training and Research Centre in Health (PFRS), France, and discussed the impact of traumatism on the memory of the victims of terrorist acts.

6. [Council of Europe Counter-Terrorism Strategy \(2018-2022\)](#), 4 July 2018.

7. Co-organised by the Interparliamentary Assembly of the CIS, PACE, OSCE PA, the Parliamentary Assembly of the Mediterranean, CSTO PA, IPU, the United Nations Office of Counter-Terrorism, and the United Nations Office on Drugs and Crime.

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

2.1. Defining terrorism

16. Terrorism as a phenomenon can take differing forms, therefore a universally agreed definition has proven difficult to establish. Authorities around the world use different definitions in their national legislation, a problem often exacerbated by the politically and emotionally charged nature of the term.⁸ 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”.⁹

17. 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 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 2015 Additional Protocol to the Convention (CETS No 217) 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.¹⁰

2.2. Defining victims

19. Victims of terror serve as conduits for the message communicated by its perpetrators.¹¹ 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.

20. 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”.

21. In a 1986 Declaration of Basic Principles, the United Nations 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.”¹²

22. 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.¹³

23. 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.¹⁴

24. 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

8. The International Centre for Counter-Terrorism – The Hague (ICCT) *Radicalisation, De-Radicalisation, Counter-Radicalisation: A Conceptual Discussion and Literature Review*, 27 March 2013.

9. 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>.

10. In accordance with its Terms of Reference, the CDCT is currently examining the feasibility of elaborating a legal definition of terrorism to amend or replace Article 1 of the Council of Europe Convention on the Prevention of Terrorism, with a view to further improving legal clarity regarding the crime of terrorism among the Parties.

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

12. *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.

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

14. *How can the EU and the Member States better help the victims of terrorism?*, Study for the LIBE Committee, 2017.

excluded. The 2017 Revised Guidelines of the Committee of Ministers on the protection of victims of terrorist acts offer a rather general definition: “A victim is any person who has suffered direct physical or psychological harm as a result of a terrorist act, and in appropriate circumstances, their close family”.

2.3. Needs of victims

25. 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. 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);
- the fight against any form of discrimination to which victims may be subjected;
- justice;
- compensation.

26. 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. Professor Eustache also emphasised the need for long term studies on intrusive memories and post-traumatic stress disorder specific to victims of terrorism. Certain groups can be considered vulnerable and thus 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 nationality status.

2.4. Why protecting and supporting victims is important for all

27. Recognition and support is an important act of reaffirming the victims’ 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 combating the spread of extremism. The numerous hearings organised by the committee over the past five years have shown that victims are, in fact, often the best positioned actors to counter violent extremism.

28. 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.

29. 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. Supporting and implementing all measures that could help victims to regain their autonomy 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.¹⁵ This was made clear in Assembly [Resolution 2221](#) (2018) on Counter-narratives to terrorism stating that victims could play an important role in delivering “positive, proactive alternative narratives” for “promoting shared values and facilitating conversation, encouraging awareness and dispelling misinformation”.¹⁶

30. By targeting civilians and individuals in particular, the aim of any terrorist action is to weaken the rule of law and generate strong reactions 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.

15. 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.

16. [Report on Counter-narratives to terrorism](#), Committee on Legal Affairs and Human Rights, 2018.

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

31. 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.

3.1. Legal and institutional measures provided by national authorities

32. Many member States of the Council of Europe have legal and institutional measures in place for providing victims of crime with support. However, these measures are rarely specific to victims of terrorism. The compilation of comments received by the Council of Europe Steering Committee for Human Rights (CDDH) from 20 member States¹⁷ shows the widely differing levels of protection and assistance in Europe.

33. Some governments 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.¹⁸

34. 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.¹⁹ In many cases this may require collaboration with other governments or international organisations.

35. Similarly, other groups of victims can be considered 'vulnerable', such as children, minorities, women 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.²⁰

36. 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.

37. 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.²¹ My discussions with the Spanish authorities the *Audiencia Nacional* in particular, have confirmed this point.

38. 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 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.²² 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.²³

17. Austria, Belgium, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Monaco, Montenegro, Netherlands, North Macedonia, Norway, Poland, Portugal, Spain, Sweden, Switzerland and Turkey.

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

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

20. "How can the EU and the Member States better help victims of terrorism ?" – European Parliament Citizens' Rights and Constitutional Affairs Policy Department, 2017.

21. ONUDC, *op. cit.*

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

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

39. 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.

40. 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, which the committee witnessed first-hand during a hearing with a British survivor. 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 community and solidarity.

41. 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 undue intrusion of the media and any form of sensationalist or dishonourable reporting that may be seen as degrading to victims.²⁴

3.2. The essential role of civil society

42. 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.

43. Victims' organisations have an especially important role to play in raising awareness of all societal actors to the needs of those affected by terrorist acts by engaging in public discourse and advocacy work on their behalf.²⁵ 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 combating terrorism.²⁶

44. 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 to ensure resources are used efficiently and effectively. Ideally, co-operation between authorities and civil society should be formalised through memorandums of understanding or other forms of agreement.

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

45. 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 in another. In the 2017 terror attacks in Barcelona and Cambrils, Spain, and 2016 in Nice, France, citizens of no fewer than 34 and 13 countries respectively 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 facilitating co-operation.

4.1. The Council of Europe

46. 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 was transformed into the Committee of Experts on Terrorism (CODEXTER). CODEXTER prioritised the facilitation of the exchange of good practice on compensation schemes for victims of terrorism through the work of the Group of Specialists for assistance to victims.²⁷ CODEXTER has since evolved into the Committee on Counter-Terrorism (CDCT) which acts as the

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

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

26. Argomaniz, J. et Lynch, O., *op. cit.*

27. 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.

key co-ordinating body for the Council's activities to combat terrorism, overseeing and ensuring the successful implementation of relevant legal instruments. The CDCT will carry out a study examining how cases relating to victims of terrorism (particularly those with transnational dimensions) are handled. Based on this study, a new set of recommendations or guidelines, in co-operation with the European Committee on Crime Problems and the Steering Committee for Human Rights (CDDH), could be envisaged.

47. 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 of the Committee of Ministers,²⁸ which emphasised the need for specific victim support services and training of professionals who work with victims.²⁹

48. In May 2017, member States of the Council of Europe adopted new guidelines regarding support, information and compensation provided to victims of terrorist acts.³⁰ 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.

49. Article 13 of the 2005 Council of Europe 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.³¹

50. 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 and I support this course of action.

51. 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.³² 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.

52. At its 3rd plenary meeting on 14-15 May 2019, the CDCT also decided to establish a network of single contact points for the exchange of procedural information regarding the legal standing of victims of terrorism in the jurisdictions of the member States of the Council of Europe, as well as other relevant States, also outside Europe. This should be welcomed and supported by our Assembly.

4.2. The United Nations

53. During the bi-annual meeting of the Sub-Committee on External Relations at UN Headquarters (New York, 5-6 December 2018), I was able to exchange views with high-level UN officials. 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.³³

28. In 2004, the Assembly adopted [Recommendation 1677 \(2004\)](#) on Challenge of terrorism in Council of Europe member states and urged the Committee of Ministers to deal with this issue.

29. [Council of Europe Committee of Ministers Rec\(2006\)8 on assistance to crime victims](#), 2006.

30. Revised Guidelines of the Committee of Ministers on the protection of victims of terrorist acts, 2017.

31. Though not required by the Convention, according to the 2016 thematic assessment of the implementation of art. 13, the majority of the responding Parties have made provision for the application of their compensation and support schemes for victims to victims of terrorist acts perpetrated outside of their territories.

32. [Council of Europe Counter-Terrorism Strategy \(2018-2022\)](#), 2018.

54. 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 special needs of victims of terrorism.

55. 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.³⁴

56. 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”.³⁵ 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.

57. 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). 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

58. Despite the European Union’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 European Union Summit in Lisbon in 2007, the Council agreed on an additional legal basis in the European Union Treaties to ensure victim protection. This provided the foundation and impetus for reviewing victims’ rights and drafting the principal European Union instrument for the recognition of victims’ rights, the 2012 Victims’ Rights Directive.³⁶

59. The Directive is based on meeting the five broad needs of victims: respect and recognition, protection, support, access to justice and compensation. It also extends the definition of a victim from just direct victims to include bereaved family members and recognises the needs of particularly vulnerable victims, and specifically refers to victims of terrorism, emphasising that they may need special attention, support and protection. Rules on victims’ rights are not always well implemented by European Union member States and there are currently ongoing infringement procedures.

60. In March 2017, the Council of the European Union and the European Parliament approved the European Union Directive 2017/541 on Combating Terrorism, which has a greater focus on victims of terrorism.³⁷ 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 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 (article 26). This aspect also concerns the broader pan-European level and the Council of Europe could be the framework for action, either through a legally binding text or alternatively via a non-binding text.

61. On 10 March 2017, on the European Remembrance Day for Victims of Terrorism³⁸, the Ministers and Ministers of State in charge of victims’ assistance for Belgium, the Czech Republic, France, Greece, Hungary, Italy, Romania, Spain and the United Kingdom issued guidelines for assistance to victims of terrorism.³⁹

33. [Geneva Conference on Preventing Violent Extremism](#), UN Department of Political Affairs, 2016.

34. [Supporting and Highlighting Victims of Terrorism](#), UN Office of Counter-Terrorism Implementation Task Force, 2018.

35. [Good Practices for Supporting Victims of Terrorism within the Criminal Justice Framework](#), UNODC.

36. [Directive 2012/29/EU of the European Parliament](#), 2012.

37. [Directive \(EU\) 2017/541 of the European Parliament](#), 2017.

38. A European Day of Remembrance of Victims of Terrorism was established after the Madrid Bombings of 11 March 2004.

62. A growing interest in co-ordinating efforts is also shown by the joint declaration signed on 5 November 2018 by the ministers of justice of Belgium, France, Germany, Italy, Luxembourg, the Netherlands and Spain. The text aims at consolidating the tools available to police and judicial authorities, strengthening the support for victims, particularly in transnational cases, and improving the fight against terrorist content on the Internet. The ministers also encouraged the European Commission to put forward initiatives in this area, in particular the creation of a European Centre of Expertise to share knowledge and tools on victim support.⁴⁰

63. On 11 March 2019, on the occasion of the 15th European Remembrance Day for Victims of Terrorism, the European Commission welcomed a report on “Strengthening victims’ rights: from compensation to reparation,” by the Special Adviser to President Juncker on compensation for victims of crime.⁴¹ The report shows that victims often have difficulty accessing justice and receiving compensation due to a lack of information, insufficient support, overly-restrictive eligibility criteria or procedural hurdles. For persons who become victims of crime when travelling to another European Union country, it can be even more difficult to receive compensation. The European Commission is also in the process of setting up an European Union Centre of Expertise for Victims of Terrorism and the Council of Europe could ensure synergy and co-ordination to expand protection to all 47 member States, including observer States and partners for democracy.

5. Case studies: different approaches from different experiences

5.1. Spain: an edifying past

64. 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 who sent me additional comments and recommendations. 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.⁴²

65. 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. A more specific definition for victims of terrorism as “persons who suffered physical and/or psychological damage as a result of terrorist activities”.

66. The latter definition was introduced by the 2011 Law on Recognition and Integral Protection of Victims of Terrorism⁴³, which grants victims of terrorism the right to aid, benefits and indemnities. Law 29/2011 provides for a quantitative and qualitative increase, with respect to previous legislation, in the assistance, support, 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.

67. 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.

68. 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 and psychological support to victims.

39. *Guidelines for Assistance to Victims of Terrorism, 2017*. 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.

40. Declaration of Ministers, European conference on countering terrorism, Paris, 5 November 2018, http://www.justice.gouv.fr/art_pix/conf_europ_lutte_terrorisme_declaration_ministres.pdf.

41. https://ec.europa.eu/info/policies/justice-and-fundamental-rights/criminal-justice/victims-rights_en.

42. 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.

43. Article 4, Ley 29/2011, Reconocimiento y Protección Integral a las Víctimas del Terrorismo, 2011. The Spanish legislator consolidated the previously fragmented legislation in a single normative body.

69. 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.

70. 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.

71. 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).⁴⁴ 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 for 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.

72. Although Spain 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. Beyond the case of the situation in this country, detailed monitoring would also make it possible to know whether the support provided was effective and enabled the victims to overcome the difficulties they faced as a result of the personal attacks to which they were subjected.

73. A highlight of my visit 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.

74. 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.

75. 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 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.

76. In Mr Fernández’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.

44. [European Platform to Assist Victims of Terrorism](#), 2017.

5.2. France: a permanent and intensified fight

77. 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 2017.

78. According to the Interministerial Instruction on Taking Charge of Victims of Acts of Terrorism of 6 October 2008,⁴⁵ revised in 2017, 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.

79. Concretely, the provisions include legal, medical and psychological support, full compensation (covering the physical, professional and moral damages), the same rights and advantages guaranteed to victims of war (such as pensions and the special quality of *pupille de la Nation* for the under 21s), exoneration from certain taxes and special recognition as a “victim of terrorism”. A Presidential decree in July 2016 also introduced the National Recognition Medal as well as the *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”.⁴⁶

80. 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.

81. 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. To facilitate access to information for the victims of terrorism, a dedicated website details all rights and procedures and allows for online applications.

82. As highlighted by Professor Knetsch at a committee hearing on 20 May 2019 in Paris, since 2016 a distinction has been made between deceased, wounded and “involved” victims, who report an emotional shock due to the geographical proximity or their exposure to the risk during a terrorist attack. This has created an arbitrary delimitation of the scope of exposure and additional problems with compensation claims.

83. Current reforms aim at offering support for the reconstruction of the victim’s life through the intervention of trained staff. At the committee hearing on 11 December 2018, the FGTI’s Director General, Mr Julien Rencki, called for better co-ordination between national systems to face what he called “globalisation of terrorism”, and avoid the risk of non-compensation, double compensation, interpretation issues and the handling of medical tests. In March 2018, France organised the first seminar on how to strengthen co-ordination efforts with other countries. In Mr Rencki’s view, only a common legal framework at European level would guarantee adequate protection. He also argued that the country of residence should be responsible for compensation and that some sort of financial solidarity between European States should be in place in the event of major attacks.

84. The Minister of Justice relies on a network of victims’ associations to support and accompany victims across all regions. These associations are federated with the France Victim Network, the first State operator in the field of victim assistance. The victims’ associations provide complementary support: the French association of victims of terrorism (AFVT), the National Federation of victims of attacks and collective accidents, Support and defence of victims (Fenvac) or other associations created by the victims of terrorist acts (*Life for Paris*, *13onze15*, *Fraternité Vérité*, *Promenades des anges*, etc.). Ms Julie Heisserer,

45. [Interministerial Instruction on Taking Charge of Victims of Acts of Terrorism](#), 2008.

46. [Légion d'Honneur](#), 2016.

responsible for European and international relations of the inter-ministerial delegation for victim assistance to the French Ministry of Justice, pointed to a 152% increase in funding for the victims of terrorism in France, which also included support to civil society organisations and a network of 1 500 local centres to help victims. She also stressed the importance of victims' commemoration through museums, memorials and medals.

5.3. United Kingdom: a mixed experience

85. The United Kingdom 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 British government has been able to draw upon the experience of both in its policies for supporting victims of terrorism.

86. In 2017, the United Kingdom established a cross-government Victims of Terrorism unit to co-ordinate support to British 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.

87. The government also developed webpages to provide comprehensive advice to victims and to signpost them to support services in the United Kingdom.⁴⁷ 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 Solidarity Fund of the United Kingdom do not affect payments.

88. Legally, support for victims of terrorist acts within the United Kingdom 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.

89. Notably, legislative changes passed in early 2017 mean that the British 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.⁴⁸ 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.

90. 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.

91. 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.⁴⁹

92. Evidence heard by the committee in Athens, on 22 May 2018, from a survivor of the Westminster Bridge attack in March 2017, Mr Travis Frain, further suggested that although the legal structures may be in place in the United Kingdom, the actual support provided 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.⁵⁰

93. The government agreed to provide grants to United Kingdom-based organisations and foundations, which aim at bringing together victims and survivors of terrorism/political violence to assist them addressing their trauma and moving forward. Among these are: the British Red Cross, Victim Support, and the Tim Parry Johnathan Ball Peace Foundation's 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.

47. [Support for Victims of Terrorism](#), 2017.

48. [Untraced Drivers Agreement](#), 2017.

49. [Kerslake Arena Review](#), 2018.

50. [London terror attack victim tells parliamentarians: 'I was treated with indifference'](#), Parliamentary Assembly of the Council of Europe, 2018.

94. A study released by pressure group 'Survivors Against Terror' in November 2018 provides a microcosmic insight into the views and experiences of survivors and bereaved of terror attacks in the United Kingdom. It interviewed nearly 300 British victims of terrorist attacks across the world and found that: 76% said government provided mental health services required substantial improvement; 52% felt financial support was completely inadequate; 46% of victims of overseas attacks claimed government support was poor; and 38% of all victims claimed legal support to be inadequate. Interestingly, the Peace Foundation and Victim Support were both praised for attempting to fill the wide gaps left in support despite funding restraints, at 84% and 62% satisfaction respectively.⁵¹

95. Lastly, in April 2018, exposing government failures, victims of the Westminster, London Bridge and Manchester Arena attacks called for an independent review after revealing how they were left "falling through the gaps" following their release from hospital, despite a specialist Home Office unit being set up for survivors of the 2017 atrocities.⁵² Unfortunately, the Victims of Terrorism Unit has not replied to our request for comments.

5.4. Germany: learning from mistakes

96. 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 of terrorism requiring specific support has been arguably less developed. Incidents in neighbouring countries and on German territory in recent years however mean that greater attention is now being paid to victims.

97. Since 2001 Germany has provided compensation for victims of extreme right-wing terrorism as a one-off payment (so called "hardship payments"). In 2010, protection was extended to victims of other forms of terrorism and extremism e.g. left-wing or Islamic extremism. These are intended to symbolise solidarity on behalf of the State with victims and to send a clear message condemning such attacks.

98. In the aftermath of the 2016 Christmas market attack in Berlin, 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.⁵³

99. 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.⁵⁴ As a result, on 8 March 2017, retired minister-president of Rhineland-Palatinate, Kurt Beck, was appointed as the government's first official commissioner for the victims of the Berlin attack. Subsequently, on 11 April 2018, the Federal Government appointed Professor Dr. Edgar Franke as Federal Government Commissioner for the Victims and Bereaved of Terrorist Offences committed on National Territory. He is independent in exercising his mandate, but his office is attached to the Federal Ministry of Justice and Consumer Protection.

100. The Commissioner made recommendations for improvement and as a direct result the amount of compensation available to victims' survivors was tripled from €10 000 to €30 000. The compensation paid to injured persons can be substantially higher and is based on the seriousness of the individual's injuries.

101. 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 it, if necessary. I would like to thank the German authorities for their feedback and comments to my report.

6. Conclusions

102. Governments must move beyond merely affirming their solidarity and must ensure concrete measures for the protection of the fundamental rights of the victims. A number of existing legal instruments 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. Member States must also ensure that the measures put in place are evaluated.

51. http://www.survivorsagainstterror.org.uk/assets/downloads/sat_survey_14_nov_formatted_v3.pdf.

52. <https://www.telegraph.co.uk/news/2019/04/22/terror-attack-victims-maimed-jihadists-say-feel-abandoned-governments/>.

53. [German government criticized over terror victims compensation](#), Deutsche Welle, 2017.

54. [Berlin Christmas market victims' families 'neglected'](#), Deutsche Welle, 2017.

103. Member and observer States and States whose parliaments enjoy observer or partner for democracy status with the Parliamentary Assembly, should take concrete measures to implement Article 13 of the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196) on “Protection, compensation and support for victims of terrorism” as well as the Revised Guidelines of the Committee of Ministers on the protection of victims of terrorist acts of 19 May 2017, on a proactive basis.

104. Important recommendations include the recognition of victims of terrorism, specific support measures at national level to ensure access to justice and appropriate compensation and assistance, enhanced co-operation with civil society organisations, stronger international co-operation and a special focus on cross-border victims of terrorism. Governments can play a key role in shaping a collective memory and creating social and institutional frameworks that allow victims of terrorism to develop resilience mechanisms, also through initiatives such as museums, memorials and medals.

105. The Council of Europe, for its part, should intensify its efforts to establish a network of single contact points for the exchange of procedural information regarding the legal status and accompanying measures of victims of terrorism in the jurisdictions of the member States, as well as other relevant States, also outside Europe. This network should co-operate actively with the forthcoming European Union Centre of Expertise for Victims of Terrorism to ensure better pan-European co-ordination, including with observer States and States whose parliaments enjoy observer or partner for democracy status with the Parliamentary Assembly.

106. The Organisation could also consider adopting, in co-operation with the European Union, a European chart of the rights of the victims of terrorism to facilitate recognition, communication and co-ordination throughout Europe and thus highlight the importance of human rights and the recognition of the status of victims of terrorism.