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## NOTE

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### I. Introduction

The atrocities committed by terrorists have directly affected human lives and the relatives of those targeted by terrorist attacks. Each act of terrorism is an assault on innocent people and our democracies.

The lessons learnt and the needs identified in the aftermath of the latest terrorist attacks in Europe have shown that the current terrorist phenomenon has a transnational dimension as regards perpetrators and victims that needs to be taken into account when designing and implementing national protection systems for victims of terrorism. Solidarity, assistance and compensation for the victims of terrorism and their families constitute an integral part of the response to terrorism at national and European level<sup>1</sup>. The EU and its Member States have a duty to assist victims of terrorism and provide them and their families with support to cope with their loss and grief.

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<sup>1</sup> The 2005 European Union Counter-Terrorism Strategy<sup>1</sup>, revised in 2014.

The European Union has already put in place a strong legal framework to support and protect victims across Europe. The Victims' Rights Directive provides a set of binding rights for all victims of crime, including rights to protection, support and assistance that take into account the individual needs of every victim of crime. These provisions are complemented by specific measures for victims of terrorism. The Directive on combating terrorism lays down measures that respond more precisely to the needs of victims of terrorism. In order to ensure that victims of terrorism can fully rely on their rights, it is not enough to transpose the relevant provisions of the Victims' Rights Directive. It is also crucial to ensure the correct transposition and effective application of the provisions for victims' rights. It is particularly important that all Member States have in place well-functioning and efficient victim support services and mechanisms ensuring that victims are well-informed about their rights, including their right to compensation.

Under the Directive on combating terrorism, Member States are required to ensure a coordinated and comprehensive response to the needs of both victims and their relatives and grant them access to the requisite support services immediately after a terrorist attack and for as long as it is necessary.

The Council conclusions on victims of terrorism call upon Member States to effectively transpose and ensure the practical application of the Directive on combating terrorism, as well as the provisions of the Victims' Rights Directive, which is applicable to victims of all crime, including victims of terrorism. Recent attacks in Europe have painfully demonstrated that in the absence of specialist and immediate support to victims of terrorism, the suffering of these victims and their families increases and in consequence further increases the detrimental impact of terrorist attacks on our societies.

There is a clear need to implement necessary support mechanisms as soon as possible. Workshops with Member States are organised with a view to ensure the swift and correct transposition and application of EU rights. At the last workshop on 27 April 2018, most Member States reported that they had already taken measures to transpose the Directive ahead of the deadline of 8 September 2018<sup>2</sup>.

Various measures have also been undertaken in the context of the European Network on Victims' Rights, the European Judicial Network (EJN), Eurojust and EU police and crisis management networks. A lot of work is also carried out by the Radicalisation Awareness Network via the activities of the RAN Remembrance of Victims of Terrorism Working Group (RVT Working Group) the main objective of which is to maintain the network of organisations of victims of terrorism and to organise annual remembrance ceremonies on 11 March. The group organised meetings of the victims who contributed to the handbook 'Voices of victims of terrorism'.

A comprehensive response is needed to ensure adequate protection of the victims of terrorism, including at least the following elements:

- a timely transposition of the EU Directive on combating terrorism;
- cooperation between competent authorities and exchange of information;
- funding for projects aimed at defending victims' rights;

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<sup>2</sup> Directive 2017/541/EU on combating terrorism provides for the protection and assistance of victims and their families by ensuring that support services addressing the specific needs of victims of terrorism are in place in accordance with Directive 2012/29/EU and that they are available for victims of terrorism immediately after a terrorist attack and for as long as necessary. That includes in particular emotional and psychological support; adequate medical treatment; provision of advice and information on any relevant legal, practical or financial matters, including facilitating the exercise of the right to information of victims of terrorism; assistance with claims regarding compensation for victims of terrorism available under the national law of the Member State concerned and access to legal aid; protection during the investigation process, regardless of the MS in which the terrorist attack occurred and the nationality of the victim (Article 26).

- setting up of national systems of assistance to promote the needs of victims of terrorism and their families and facilitate the normalisation of their lives;
- setting up, as a first priority, the Coordination Centre for victims of terrorism;
- fostering the involvement of civil society and setting up websites with advice and useful links;
- using existing EU structures such as the European Network on Victims' Rights, the European Judicial Network (EJN) and EU police and crisis management networks;
- building resilient societies by improving education, fighting violent extremism and countering radicalisation.

## **II. Compensation for victims of terrorism**

Victims of intentional and violent crime have the right to access to national compensation schemes under Council Directive 2004/80/EC of 29 April 2004. Terrorist attacks constitute such intentional and violent crimes that give rise to the application of the EU rules on compensation.

## **III. Improving transnational cooperation and coordination**

The latest terrorist attacks in Europe clearly had a transnational dimension as regards perpetrators and victims. It is therefore crucial to designate and implement national protection systems for victims of terrorism that take into account this particular cross-border dimension of the crime. Building on the existing EU legal framework, the Council conclusions therefore aim to promote effective cooperation between the authorities and entities responsible for the protection of victims of terrorism, in order to facilitate the rapid exchange of information and assistance in the event of a terrorist attack.

The Council conclusions invite Member States to nominate national contact points for this purpose and encourage cooperation and synergies which build on existing EU structures such as the European Network on Victims' Rights, the European Judicial Network and EU police and crisis management networks.

In the future, the 'European Victims of Terrorism Response Coordination Centre' will be established. This Coordination Centre will be a hub of expertise, guidance and support and will aim to ensure that the specific needs of victims of terrorism are met immediately after an attack and in the longer term. The Commission has reported that it intends to publish a call for proposals later this year to enable the Centre to start its activities in 2019. The Commission will provide more information and details about the Centre in due time.

Against this background, delegations are invited to express their views on the following issues:

- **what challenges do you face in transposing the EU Directive on combating terrorism, in particular as regards the victims of terrorism;**
  - **do you consider that other measures at Union level should be explored to improve the support and assistance to victims of terrorism?**
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