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## **STEERING COMMITTEE FOR HUMAN RIGHTS (CDDH)**

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### **Preliminary elements proposed by the Secretariat for a Council of Europe Workshop on the protection of victims of terrorist acts to be held in 2019 during a CDDH meeting**

#### **Introduction**

1. The Committee of Ministers, at its 127<sup>th</sup> Session held in Nicosia (Cyprus) on 19 May 2017, adopted the revised Guidelines on the Protection of Victims of Terrorist Acts.
2. The CDDH, which had prepared these revised guidelines, welcomed their adoption at its 87<sup>th</sup> meeting (6-9 June 2017) and noted at its 88<sup>th</sup> meeting (5-7 December 2017) the interest shown by several member States, notably France, for the organisation of a Workshop on this subject-matter in 2018-2019, with the participation of representatives of national associations related to victims of terrorist acts.
3. The CDDH shall decide at its 89<sup>th</sup> meeting (19-22 June 2018) about the possible holding of this event at its 91<sup>th</sup> meeting (June 2019), during the French Chairmanship of the Committee of Ministers.
4. To this end, this document contains information for the CDDH; notably, a possible draft agenda appears in Appendix I.

## Aim of the Workshop

5. The Workshop shall aim at:
  - raising awareness about the revised guidelines;
  - assessing its implementation<sup>1</sup> in the member States, including the situation of foreign victims;
  - exchanging views on the best practices<sup>2</sup> in member States regarding the protection of victims of terrorist acts.
6. The Workshop should allow for an open exchange of views, in particular, between the member States and associations related to victims of terrorist acts<sup>3</sup>, stressing the crucial role of the latter in the protection of human rights of victims. The Workshop could highlight, *inter alia*, the importance of:
  - enhancing NGOs' participation in the State's decision-making process concerning the protection of victims of terrorist acts;
  - envisaging the adoption of appropriate national measures in favour of these associations, including their financial and organisational autonomy.

## Participants

7. Appendix II identifies the different sectors envisaged.
8. In particular, given that human rights of victims of terrorist acts shall be effectively protected in close collaboration with civil society, a large number of relevant associations related to victims, to be shortlisted from Appendix III if need be, should be invited to the Workshop.

## Preparation of the Workshop

9. A short questionnaire could be sent to member States and representatives of civil society concerning in particular the legal status of victims and/or their relatives (see Appendix IV).
10. Working documents:
  - “Revised Guidelines of the Committee of Ministers of the Council of Europe on the Protection of Victims of Terrorist Acts”<sup>4</sup> adopted by the Committee of Ministers on 19 May 2017;

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<sup>1</sup> The Preamble reaffirms the need of implementation, at national level, of an “efficient protection policy, financial assistance and compensation for victims in light particularly of Article 13 of the Council of Europe Convention on the Prevention of Terrorism (Warsaw, 16 May 2005, CETS No. 196), including, in an appropriate way, the societal recognition of the suffering of victims and the maintenance of the duty of remembrance”.

<sup>2</sup> The best practices concern the most effective structures to protect victims of terrorist acts such as emergency services, information points covering notably the existing procedures for compensation or appropriate training of officials in charge of victims.

<sup>3</sup> The Workshop could associate, in particular, representatives from several associations related to victims, including the *European Network of Associations of Victims of Terrorist Acts* and the *International Federation of Terrorist Victims Associations*.

<sup>4</sup> “[Revised Guidelines on the Protection of Victims of Terrorist Acts](#)” adopted by the Committee of Ministers at its 127<sup>th</sup> Session held in Nicosia (Cyprus) on 19 May 2017.

- compilation of best practices on the basis of information submitted by member States in response to the Secretariat’s request for information on the implementation of the revised guidelines;
- analysis by the Secretariat of the information submitted by member States.

11. As information documents, the following texts could be available at the Workshop:

- the report of the Secretary General of the Council of Europe: “Fight against violent extremism and radicalisation leading to terrorism”<sup>5</sup> presented to the Committee of Ministers on 19 May 2017;
- the publication prepared by the CDDH in 2018 on the protection of victims of terrorist acts<sup>6</sup>;
- the document entitled “Council of Europe Counter-Terrorism Strategy (2018-2022)”<sup>7</sup>, adopted by the Council of Europe Committee on Counter-Terrorism<sup>8</sup> (CDCT)<sup>9</sup>;
- relevant information about case-law related to rights of victims and the execution of the judgments concerned;
- additional documents submitted by civil society.

12. The preliminary draft timetable for the preparation of the Workshop could be as follows:

- by the end of June 2018: sending out this document to the participants in the CDDH meeting in order to obtain their possible observations;
- by the end of September 2018: at the latest, member States should have sent information about associations to be invited to participate in the Workshop;
- before middle of October 2018: sending out of the “questionnaire”<sup>10</sup> to all participants for responses by middle of December 2018;
- by the end of February 2019: compilation and analysis by the Secretariat of the responses received;

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<sup>5</sup> This document, presented to the Committee of Ministers at its 127<sup>th</sup> Session held in Nicosia on 19 May 2017, provides an overview of the state of implementation of the main measures of the Action Plan on [“The fight against violent extremism and radicalisation leading to terrorism”](#), adopted at the 125<sup>th</sup> Session of the Committee of Ministers (Brussels, 19 May 2015).

<sup>6</sup> See <https://rm.coe.int/protection-of-victims-of-terrorist-acts/168078ab54>. This publication includes:

- the Revised Guidelines on the protection of victims of terrorist acts (19/05/2017);
- the Guidelines on human rights and the fight against terrorism (11/07/2002);
- the Proceedings of the High-Level Seminar on “protecting human rights while fighting terrorism” (Strasbourg, 13-14 June 2005).

<sup>7</sup> This document includes a specific point devoted to victims of terrorism aiming at “identifying best practices for member States to handle these issues”. On the basis of such study, “the drafting of a recommendation or guidelines could be envisaged”.

<sup>8</sup> This document has been classified restricted until examination by the Committee of Ministers.

<sup>9</sup> In 2018 CODEXTER became the Council of Europe Counter-Terrorism Committee ([CDCT](#)).

<sup>10</sup> Request for information on best practices related to the implementation of the revised guidelines.

- before the end of April 2019<sup>11</sup>: sending out of the official invitations, draft Programme, Compilation, Analysis and other relevant documents to all invitees;
- by the end of September 2019: publication of the proceedings of the Workshop.

### **Follow-up to the Workshop**

13. The proceedings of the Workshop will be published<sup>12</sup> and media will be invited to disseminate information on the event.
14. Where appropriate, the Workshop/ the CDDH could propose to the Committee of Ministers suitable follow-up actions regarding the national implementation of the revised guidelines.

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<sup>11</sup> These documents will be first submitted to the French Chairmanship of the Committee of Ministers, as well as to the Chair and the Bureau of the CDDH.

<sup>12</sup> The proceedings could include keynote speeches and written contributions received and, as an appendix, the text of the revised guidelines.

## Appendix I

### **Elements for a draft programme of the Workshop on the protection of victims of terrorist acts**

**Place and date:** Strasbourg, [...] June 2019, during the 91<sup>th</sup> meeting of the CDDH

**Participants:**

Representatives of member States and observers in the CDDH  
Representatives of relevant sectors within the Council of Europe  
Representatives of international organisations and civil society

**14:15 – Opening session**

(3') Opening speech by the Chair of the CDDH  
(10') Introductory speech by the [French Chair of the Committee of Ministers]<sup>13</sup> [to be confirmed]  
(10') Speech by the [Secretary General of the Council of Europe]<sup>14</sup> [to be confirmed]

**14:40 – Working session I – “The Revised Guidelines of the Committee of Ministers on the protection of victims of terrorist acts”**

(10') Speech by the [President of the Council of Europe Counter-Terrorism Committee (CDCT)] [to be confirmed]  
(10') Presentation by the [CDDH representative in the CDCT] [to be confirmed]  
Discussion

**15:30 – Coffee break**

**16:00 – Working session II – Best practices in the field of the protection of human rights of victims of terrorist acts**

(10') Speech by the [French Interdepartmental Delegate for victims support] [to be confirmed]  
(10') Speech by a [representative of civil society] [to be confirmed]  
  
Discussion

**17:20 – Concluding remarks**

(10') Concluding remarks and official closing of the Workshop by the Chair of the CDDH

**17:30 – *Vin d'honneur* offered by the French Chairmanship of the Committee of Ministers**

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<sup>13</sup> This speech would be to recall the aim of the Workshop.

<sup>14</sup> The Secretary General of the Council of Europe took the initiative of this revision in his report “*The fight against violent extremism and radicalisation leading to terrorism*” (CM(2016)64) presented at the 126<sup>th</sup> Session of the Committee of Ministers in Sofia on 18 May 2016.

## **Appendix II**

### **Participants to be considered**

- (1) Representatives of member States and observers in the CDDH
- (2) Representatives of civil society:
  - National associations related to victims of terrorism<sup>15</sup>
  - International federations and networks
    - European Network of Associations of Victims of Terrorism
    - International Federation of Associations of Victims of Terrorism
    - European Platform to Support the Victims of Terrorism
- (3) Representatives of relevant sectors within the Council of Europe: PACE, Commissioner for Human Rights, CDCT, CEPEJ, CDPC, [...]
- (4) Representatives of international organisations:
  - UN Office of Counter Terrorism
  - UN Office of Drugs and Crime (UNODC)
  - The Counter-Terrorism Implementation Task Force of the UN
  - Office of the UN High Commissioner for Human Rights (HCDH)
  - European Commission – DG Migration and Home Affairs
  - OECD directorate for Financial and Enterprise Affairs (International E-Platform on Terrorism Risk)
  - OSCE Office for Democratic Institutions and Human Rights

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<sup>15</sup> 15 associations will be shortlisted among those listed in Appendix III.

### **Appendix III**

#### **Preliminary list of associations related to victims of terrorist acts in order to identify those to be invited to the Workshop**

This list has been drawn up in alphabetical order of the names of member States in English and it is to be completed. It is envisaged that a maximum of 15 associations will be invited to the Workshop. They will receive the questionnaire that can be found in Appendix IV and their answers would complete those sent by member States.

#### **FRANCE**

France VICTIMES  
Association française des Victimes du Terrorisme (AfVT)  
Fédération française des victimes d'attentats et d'accidents collectifs (FENVAC)

#### **GREECE**

Solidarity Association of Terrorism Victims THANOS AXARLIAN

#### **ITALY**

*Associazione Italiana Vittime del Terrorismo*  
*Memoria condivisa*

#### **SPAIN**

*Asociación de víctimas del terrorismo*  
*Several associations concerning victims of the 11-M terrorist acts*  
*Fundación víctimas del terrorismo*  
*Voces contra el terrorismo*  
*Asociación de Cuerpos y Fuerzas de Seguridad del Estado Víctimas del terrorismo*  
*Asociación Dignidad y Justicia*

#### **UNITED KINGDOM**

*Survivors against Terror*  
*Peace Foundation*  
*Wave*  
*South East Fermanagh Foundation (SEFF) – United Kingdom*  
*Families Research and Policy Unit (FAIR Families Acting for Innocent Victims)*  
*Ulster Human Rights Watch*  
*Relatives for Justice*  
*The Pat Finucane Centre*

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Furthermore, it would be advisable to consider the need to invite associations that, even though they do not focus exclusively on victims of terrorism, are competent in violent crimes in general:

#### **AUSTRIA**

Federal social welfare office  
*Weisser Ring*

#### **BELGIUM**

*Slachtofferhulp Vlaanderen*  
S.P.A. Service de Prévention et d'Accompagnement des Victimes d'Agression

**BULGARIA**

SVCCC Foundation (Support victims of crime and combating corruption)

**CZECH REPUBLIC**

*Bily kruh bezpeci* (victims support)

**DENMARK**

National Association for the Support of Victims of Violence (LHV)

**ESTONIA**

Victim Support (*Ohvriabi*)

**FINLAND**

Victim Support Finland (RIKU)

**GERMANY**

*Arbeitskreis der Opferhilfen*  
*Weisser Ring*

**HUNGARY**

NGO Fehér Gyűrű

**IRELAND**

Crime Victims Helpline  
Irish Tourist Assistance Service

**LITHUANIA**

Crime Victim Care Association of Lithuania

**NETHERLANDS**

Impact Netherlands  
*Instituut voor Psychotrauma*  
Internacional Institute victimology, Tilburg University

**POLAND**

Foundation for Assistance to Crime Victims

**PORTUGAL**

*Associação portuguesa de apoio à vítima (APAV)*

**SLOVAK REPUBLIC**

Victim Support Services (*Pomoc obetiam nasilia*)

**SLOVENIA**

*Beli obroč*  
Ključ Society  
Društvo za nenasilno komuniciranje (Association for Non-Violent Communication)  
Ženska svetovalnica (Women's Counselling Service)

**SWEDEN**

*Brottsofferjourernas Riksförbund, BOJ*



## Appendix IV

### **Request for information to member States regarding human rights of victims of terrorist acts**

The revised guidelines describe the victims of terrorist acts as persons that “have suffered direct physical or psychological harm as a result of a terrorist act, and, in appropriate circumstances, as well their close family”.

Having this definition in mind, the national authorities are invited to answer the following questions:

- (i) Do victims of terrorist acts benefit from a particular legal status in your country?
  - a. In particular, does any definition of “victim of terrorist act” exist in your legal system?
  - b. Do the families and close relatives of those who have suffered bodily or psychological damage due to a terrorist act have a particular recognised status of victim?
- (ii) First aid: does your country guarantee the availability of appropriate (medical, psychological, social and material) emergency assistance free of charge?
- (iii) Do the victims of terrorist acts have access to a specific information point concerning their rights?<sup>16</sup>
- (iv) Do victims of terrorist acts have a right, in medium and long-term, to medical, psychological, social and material assistance which aims at enabling them, as far as possible, to resume the normal course of their activities and lives which they enjoyed before the terrorist act?
- (v) In cases of foreign and non-resident victims, does your country cooperate with the victim’s State of residence in order for the victim to receive such assistance?
- (vi) Has your country undertaken specific measures to investigate terrorist acts without delay, also ensuring that investigators receive specific training adapted to the needs of victims?
- (vii) Does your country recognise a proper position of victims in criminal proceedings?
- (viii) Do victims of terrorist acts have a right to a fair, appropriate and timely compensation, including for loss of earnings?
- (ix) Was a specific fund to this end created in your country?
- (x) Do victims of terrorist acts have a right, irrespective of their nationality, to other measures to mitigate, once they have returned to their country of residence, the harmful consequences of a terrorist act occurred in your country?

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<sup>16</sup> Access to specific support bodies, practical and legal advice as well as information about a possible compensation. Access to information about (i) investigations; (ii) the final decision concerning prosecution; (iii) the date and place of the hearings; (iv) any opportunity in that context to introduce an action for damages; (v) the conditions under which they may acquaint themselves with the decisions handed down.

- (xi) Do victims of terrorist acts have a right to specific measures of protection in case they participate as witnesses in criminal proceedings concerning the terrorist act which caused their condition of victims?
- (xii) Do victims have access to an effective remedy to lodge a criminal complaint against an unlawful violation of their private and family life?
  - (i) In this regard, has your country undertaken any measure in order to raise awareness of media and journalists (in full compliance with freedom of expression) about the protection of the victim's rights in the framework of their information activity?
- (xiii) Has your country set up any mechanism to co-operate with civil society representatives, and especially those of the associations related to victims of terrorist acts?
- (xiv) Has your country undertaken measures in order to attain recognition and remembrance of victims of terrorist attacks by the society?