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

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### **State of preparation of the Council of Europe Workshop on the protection of victims of terrorist acts**

**(20 June 2019)**

#### **Introduction**

1. At its 127<sup>th</sup> Session (Nicosia (Cyprus) 19 May 2017), the Committee of Ministers adopted the revised Guidelines on the Protection of Victims of Terrorist Acts.
2. The CDDH, which had prepared this text, welcomed its 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 showed by several member States, namely France, for the organization of a Workshop on this matter in 2018-2019, with the participation of representatives of associations related to victims of terrorist acts.
3. At its 89<sup>th</sup> meeting (19-22 June 2018), the CDDH decided to hold 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

5. The Workshop will aim at:
  - a. raising awareness about the revised guidelines;
  - b. assessing its implementation<sup>1</sup> in member States, including the situation of foreign victims;
  - c. exchanging views on the best practices<sup>2</sup> in member States regarding the protection of victims of terrorist acts.
6. The Workshop would enable 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 may highlight, *inter alia*, the importance of:
  - a. enhancing NGOs' participation in the decision-making process concerning the adoption of measures aiming at protecting victims of terrorist acts;
  - b. 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, having in mind 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

9. A short questionnaire may 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).

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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 associates 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*.

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;
- compilation of best practices on the basis of information submitted by member States and associations related to victims 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 may be available:

- 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;
- publication “protection of victims of terrorist acts” prepared by the CDDH in 2018<sup>6</sup>;
- the document “Council of Europe Counter-Terrorism Strategy<sup>7</sup> (2018-2022)”, adopted by the Council of Europe Committee on Counter-Terrorism (CDCT)<sup>8</sup>;
- relevant information about case-law related to rights of victims and its execution where appropriate;
- additional documents submitted by civil society.

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<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 on 19 May 2017.

<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 action Plan on [“The fight against violent extremism and radicalisation leading to terrorism”](#), adopted at the 125th 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 “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> In 2018 CODEXTER became the Council of Europe Counter-Terrorism Committee ([CDCT](#)).

12. The preliminary draft timetable could be as follows:

- November 2018: sending out this document to member States in order to make possible observations;
- At the latest by the middle of December 2018: member States should have sent information about associations to be invited to participate in the Workshop;
- by the end of December 2018: sending out of the “questionnaire”<sup>9</sup> to all participants for responses by the middle of March 2019;
- by the end of April 2019: compilation and analysis by the Secretariat of the responses received;
- by the end of May 2019<sup>10</sup>: sending out of the official Invitations, draft Programme, Compilation, Analysis and other relevant documents to all invitee
- by the end of September 2019: publication of the workshop proceedings.

### **Follow-up**

13. The Workshop proceedings will be published<sup>11</sup> and media will be invited to disseminate information on the event.

14. Where appropriate, the Workshop / the CDDH may propose to the Committee of Ministers suitable follow-up actions regarding the national implementation of the revised guidelines.

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<sup>9</sup> Request for information on best practices related to the implementation of the revised guidelines.

<sup>10</sup> Taking into account that these documents will be first submitted to the Chair and the Bureau of the CDDH.

<sup>11</sup> The proceedings may include keynote speeches and written contributions received and, as an appendix, the text of the revised guidelines.

## Appendix I

### Preliminary draft agenda

*Workshop on the protection of victims of terrorist acts*  
Strasbourg, 20 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

#### 14:30 – Opening session

- (5') Welcome to the participants by the Chair of the CDDH
- (5') Introductory speech by the French Chair of the Committee of Ministers<sup>12</sup>
- (10') Speech by the [Secretary General of the Council of Europe<sup>13</sup>
- (10') Speech by a [Representative from the Office of the High Commissioner for Human Rights of United Nations

#### 15:00 – Working session I – “The Revised Guidelines of the Committee of Ministers on the protection of victims of terrorist acts”

- (10') Presentation by the CDDH representative before the CDCT
- (5') Speech by the President of the Council of Europe Counter-Terrorism Committee (CDCT)
- (5') Speech by a senior Registry official/Judge of the European Court of Human Rights

Discussion

#### 15:50 – Coffee break

#### 16:20 – Working session II – Best practices in the protection of human rights of victims of terrorist acts

- (8') Speech by Mme Elisabeth PELSEZ, French Interdepartmental Delegate for victims support
- (8') Speech by a representative from civil society – national victim's association
- (8') Speech by a [representative from civil society – the European Network of Associations of Victims of Terrorist Acts or the International Federation of Terrorist Victims Associations
- (8') Speech by Judge Ahmet MOLLAOGLU - “*Financial and legal aid provided to the victims of terrorist acts in Turkey*”

Discussion

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<sup>12</sup> This speech would need to recall the aim of the Workshop.

<sup>13</sup> The Secretary general of the Council of Europe took the initiative to proceed to this revision in its report “Fight against violent extremism and radicalisation leading to terrorism” (CM(2016)64) presented to the Committee of Ministers at its 126th meeting at Sophia on 18 May 2016

**17:20 – Concluding remarks**

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

**17:25– *Vin d'honneur* offered by the French Chairmanship of the Committee of Ministers**

## 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>14</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 of 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 (OHCHR).
  - 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>14</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 name 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)  
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 include associations that, even though are not focused exclusively in 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'Aggression

**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**

Ohvriabi Victim Support

**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  
Instutuut voor Psychotrauma  
Internacional Intitute victimology. Tilburg University

**POLAND**

Foundation for Assistance to Crime Victims

**PORTUGAL**

Associação portuguesa de apoio à vítima (APAV)

**SLOVAK REPUBLIC**

Pomoc obetiam nasilia (Victim Support Services)

**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 those 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 in mind, the relevant national authorities are invited to answer the following questions:

- (i) Have victims of terrorist acts recognised a particular status in your country?
  - a. In particular, does any definition of “victim of terrorist act” exist in your legal system?
  - b. Have relatives and dependents of those who have suffered bodily or psychological damage due to a terrorist act, recognised the status of victim?
- (ii) First urgent assistance to victims: is it ensured in your country the availability of appropriate (medical, psychological, social and material) emergency assistance free of charge to them?
- (iii) Have victims of terrorist acts access to a specific information point concerning their rights?<sup>15</sup>
- (iv) Have victims of terrorist acts a right in medium and long-term to medical, psychological, social and material assistance which leads them, as far as it is practicable, 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 receiving such assistance?
- (vi) Has your country undertaken specific measures to effectively investigate terrorist acts without delay ensuring that investigators receive specific victim-sensitive training on the needs of victims?
- (vii) Has your country recognise a proper position of victims in criminal proceedings?
- (viii) Have victims of terrorist acts a right to a fair, easily accessible, and timely compensation, including for loss of earnings?
- (ix) Has a specific fund to this end ~~has~~ been created in your country?
- (x) Irrespective of their nationality, have victims of terrorist acts a right to alternative measures to mitigate, once they have come back to their country of residence, the harmful consequences of a terrorist act occurred in your country?

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<sup>15</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) Have victims of terrorist acts a right to specific protection measures in case they participate as witnesses in criminal proceedings concerning the terrorist act which caused their condition of victims?
- (xii) Have the victims ensured the access to an effective remedy to claim 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 the 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 societal recognition and remembrance of victims of terrorist attacks?