Victims of terrorism

On 11 March, Europe honours all those who have lost their lives or loved ones to terror. The European Day of Remembrance of Victims of Terrorism was inaugurated after the 2004 Madrid bombings. Protection of victims of terrorism is an essential part of the EU's efforts to address all dimensions of the terrorist threat. In response to the wave of attacks that has hit Europe in recent years, rules and sanctions related to terrorist activities have been strengthened. Ongoing action at EU level, meanwhile, ensures better protection and support for victims of terrorism – regardless of what nationality they are and where in the EU they were attacked.

Background
Since 2002, the EU has been developing counter-terrorism legislation with provisions reflecting the awareness that victims of terrorism are particularly vulnerable. What is more, terrorist attacks often happen in tourist centres and travel hubs, with the result that victims may be from other countries. These victims frequently encounter barriers and difficulties when trying to pursue their rights, and are therefore in need of specific protection measures. The 2005 EU counter-terrorism strategy underlined that providing solidarity, assistance and compensation for victims of terrorism and their families is an integral part of the response to terrorism at both national and EU level. In 2010, the Stockholm programme called on the European Commission and the Member States to look at ways to improve EU legislation on the protection of victims of crime, in particular victims of terrorism. The 2015 European agenda on security identified the fight against terrorism as one of its key priorities; protecting EU citizens from terrorism and organised crime was also one of the four priorities of the 2020-2025 security union strategy. The EU's counter-terrorism agenda, adopted in December 2020, called for increased support for victims. That same year, the Commission presented its first ever EU strategy on victims' rights 2020-2025, whose main aim was to enable all victims of crime to make full use of their rights. It acknowledges that victims of terrorism are a group of particularly vulnerable victims who require specialised and integrated support, and insists on the particular responsibility of Member States to assure fair and appropriate compensation for victims of terrorism.

Legal framework
Several EU directives have provisions offering protection to victims of terrorism, given their specific needs. Victims of intentional and violent crime have the right to access national compensation schemes under Council Directive 2004/80/EC on crime victim compensation. As terrorist attacks qualify as intentional and violent crimes, victims can trigger the application of the EU-wide compensation scheme, even in situations where the attack was committed in an EU country other than their country of residence.

The Victims' Rights Directive (2012/29/EU) recognises that victims of terrorism may need special attention owing to the specific nature of the crime they have endured. Member States should therefore take particular account of their needs and take measures to protect their dignity and security. The directive defines a victim as a natural person who has suffered physical, mental or emotional harm or economic loss, caused directly by a criminal offence. Family members of a person whose death was caused directly by a criminal offence and who have suffered harm as a result of that person's death are also considered victims. A June 2022 evaluation of the Victims' Rights Directive pointed to shortcomings in relation to victims' access to information, support services, and protection tailored to their individual needs. The Commission intends
to propose a revision of the directive in 2023, to improve victims' access to justice, enhance their right to information about available compensation and strengthen their physical protection.

Directive (EU) 2017/541 on combating terrorism governs protection and assistance measures for victims of terrorism, such as the right to immediate access to medical and psychological support and information on relevant legal, practical or financial matters. The directive strengthens the emergency response mechanisms to assist victims of terrorism immediately after a terrorist attack and for as long as necessary. In particular, EU Member States must ensure that victims of terrorism who are residents of an EU Member State other than that in which the terrorist offence was committed have full access to support services and compensation schemes available in the Member State where it was committed. In an evaluation of the directive, the Commission concluded that, overall, Member States have been successful in implementing the services required by the directive, including general victim support, medical support, emotional and psychological support, provision of advice and information, and assistance with compensation claims.

Positions of the EU institutions

Council of the European Union

In its June 2018 conclusions on victims of terrorism, the Council encouraged cooperation between EU Member States' authorities in charge of protecting victims of terrorism, to facilitate the rapid exchange of information and assistance in the event of a terrorist attack. To this end, the Council invited the Member States to nominate national contact points and build synergies with existing EU structures, such as the European Network on Victims' Rights, the European Judicial Network (EJN), Eurojust, Europol and crisis management networks. In its December 2019 conclusions on victims' rights, the Council called for an assessment of the implementation of the most recent legal instruments, including the Directive on Combating Terrorism. In December 2020, the German Presidency of the Council published a state of play document regarding support for victims of terrorism.

European Parliament

In May 2018, the European Parliament adopted a resolution on the implementation of Directive 2012/29/EU on victims' rights, emphasising the specific nature and needs of victims of terrorism. It called on the Commission to propose a specific directive on the protection of victims of terrorism. It also encouraged Member States to provide adequate information and free legal aid for those victims who are also parties to criminal proceedings, so that they can access compensation. In 2017, Parliament established a Special Committee on Terrorism (TERR). TERR completed its work and issued its final report in November 2018. In its resolution of 12 December 2018 on TERR's findings and recommendations, Parliament suggested a common definition for the status of 'victim of terrorism'. It called on the Commission to submit a legislative proposal on victims of terrorism to address victims' needs in the short and long term. It also recommended launching a dialogue with the Member States with a view to reducing the wide disparities between them as regards the financial compensation they grant to victims of terrorist attacks. Parliament finally urged Member States to ensure that they transpose properly the provisions set out in the Victims' Rights and Combating Terrorism Directives.

European Commission

In September 2020, the Commission appointed its first coordinator for victims' rights and inaugurated the EU victims' rights platform, which brings together all EU-level actors for victims' rights, such as the EU Counter-Terrorism Coordinator, Eurojust, the EU Agency for Fundamental Rights and the ENVR. The Commission also set up a European Network of Associations of Victims of Terrorism (NAV)T aimed at fostering cross-border cooperation between associations of victims of terrorist attacks in the Member States, and at enhancing the defence of victims' rights at EU level. Furthermore, the former EU Centre of Expertise for Victims of Terrorism (EUCVT) – a 2020-2021 pilot project set up to assist EU Member States and national victim support organisations in the practical application of the EU rules on victims of terrorism – published an EU handbook on victims of terrorism and 26 national handbooks. It has also trained over 1 000 professionals across the EU on the needs and rights of victims. National authorities and victim support organisations continue to exchange knowledge and experience through the EUCVT Hub of Expertise.

This is a further update of an 'at a glance' note originally published in March 2019.