Victims of terrorism

On 11 March, Europe commemorates all those who 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 have hit Europe in recent years, the rules and sanctions related to terrorist activities have been strengthened. Moreover, action at EU level nowadays ensures better protection of and support to 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 vulnerable and therefore in need of specific measures to protect them. Accordingly, the EU 2005 counter-terrorism strategy underlined that solidarity, assistance and compensation of victims of terrorism and their families are an integral part of the response to terrorism, at both national and EU level. In 2010, the Stockholm programme called for looking at ways to improve EU legislation on the protection of victims of crime, in particular victims of terrorism. To this end, the 2015 European agenda on security identified the fight against terrorism as one of its key priorities. The security agenda progressively developed into a broader concept of a security union, leading in July 2020 to the adoption of the security union strategy for the 2020-2025 period. One of the four priorities of the latter is protecting EU citizens from terrorism and organised crime. Moreover, the strategy announced the adoption of a new counter-terrorism agenda for the EU; accomplished in December 2020, this agenda called for increasing support to victims. That same year, the European Commission also 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.

Legal framework

Several EU directives have provisions offering protection to victims of terrorism. Victims of intentional and violent crime have the right to access national compensation schemes under the April 2004 Council Directive (2004/80/EC) relating to compensation to crime victims. 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 the victim’s country of residence.

The October 2012 Directive (2012/29/EU) on Victims’ Rights recognised that victims of terrorism may need special attention due to the particular nature of the crime they have had to face. It defines a victim of terrorism as a natural person who has suffered physical, mental and emotional harm or economic loss, insofar as that was directly caused by a terrorist offence. A victim of terrorism could also be a family member of a person whose death was directly caused by a terrorist offence and who has suffered harm as a result of that person’s death. Member States should therefore take particular account of such victims’ needs by protecting their dignity and security.

The March 2017 Directive (EU) 2017/541 on Combating Terrorism introduced measures of protection and assistance for victims of terrorism, such as the right to immediate access to medical and psychological support and information on any 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 its 2022 work programme, the European Commission announced a possible revision of the victims’ rights acquis to improve victims’ access to justice, enhance their rights to information about the available
compensation and strengthen their physical protection. The legislative proposal – envisaged for the fourth quarter of this year – could take the form of a revision of the Victims’ Rights Directive or of another legislative instrument. The Commission is also evaluating the Directive on Combating Terrorism, including for its impact on the protection and assistance provided to victims of terrorism, in particular cross-border victims.

Co-legislators’ positions

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 the 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 to build synergies with existing EU structures, such as the European Network on Victims’ Rights (ENVR), the European Judicial Network (EJN), Eurojust, Europol and crisis management networks. The Council also asked the Commission to set up a coordination centre for victims of terrorism, to serve as a hub of expertise, guidance and support in cases of attacks in a Member State. The German Presidency of the Council published a state of play document in December 2020.

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 the victims of terrorism. It called on the Commission to propose a specific directive on the protection of victims of terrorism. It also encouraged the Member States to provide adequate information and free legal aid to those victims who are also parties to criminal proceedings, in order that they may obtain applicable compensation.

Likewise, the Special Committee on Terrorism (TERR), established in 2017, called on the Commission, in its November 2018 final report, to submit a legislative proposal on the victims of terrorism that effectively tackles victims’ needs in the short and long term, including a common definition for the status of ‘victim of terrorism’. In its resolution of 12 December 2018 on the findings and recommendations of the TERR committee, the Parliament asked the Commission to launch a dialogue with the Member States for reducing the large disparities among them as regards the financial compensation they grant to victims of terrorist attacks. Moreover, it urged Member States to effectively transpose the provisions set out in the Directives on Victims’ Rights and on Combating Terrorism.

The Parliament has repeatedly called on the Commission to set up an EU coordination centre for victims of terrorism.

European Commission
The Commission set up a European Network of Associations of Victims of Terrorism (NAVT) aimed at fostering cross-border cooperation between associations of victims of terrorist attacks in the Member States, and enhancing the defence of victims’ rights at EU level.

The EU Centre of expertise for victims of terrorism (EUCVT) was set up as a pilot project to assist EU Member States and national victim support organisations in the practical application of the EU rules on victims of terrorism. The EUCVT – which is awaiting a decision from the Commission on a possible prolongation – has published an EU handbook on victims of terrorism as well as national handbooks, and enabled more than 750 participants to take part in national training activities.

In September 2020, the Commission inaugurated the EU victims’ rights platform and appointed its first European Commission coordinator for victims’ rights.

This is an update of an ‘at a glance’ note by François Théron with Selene González Díaz, published in March 2019.

Figures on terrorist attacks and victims
According to Europol, in 2020, a total of 57 foiled, failed or completed terrorist attacks were reported in six EU Member States, compared to 2019. Moreover, 21 people died as a result of terrorist attacks and at least 54 were injured. That same year, 449 individuals were arrested in the EU for terrorism-related offences, a significant decrease compared to the previous year (723).

According to the White and Black Book on Terrorism, between 2000 and 2018, there were an estimated 1 868 victims of terrorism in the EU (753) and European victims in the rest of the world (1 115).