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NOTE

From: Presidency
To: Permanent Representatives Committee/Council
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Subject: Draft Council conclusions on Victims of Terrorism

Directive 2017/541/EU on combating terrorism provides for the protection, support and effective exercise of the rights of victims of terrorism, including for those victims residing in a Member State other than that where the attacks took place. Thus, Article 26 of Directive 2017/541/EU calls on Member States to ensure that victims of terrorism have access to information regarding their rights, the available support services and compensation schemes in the Member State where the terrorist offence was committed, regardless of the Member State of their residence. In addition, the Directive requests Member States to ensure that all victims of terrorism have access to the assistance and support services set out in points (a) and (b) of Article 24(3) on the territory of the Member State of their residence, even if the terrorist offence was committed in another Member State. To that end, Member States must facilitate cooperation between their competent authorities or entities providing specialist support to ensure the effective access of victims of terrorism to such information.

With this in mind, at the CATS meeting of 13 November 2017, the Spanish delegation presented a proposal with the aim of ensuring that the victims of terrorism could effectively exercise their rights (WK 10065/2017).

At the high-level expert meeting on victims, which took place in Brussels on 29 January 2018, the Commission asked participants for their views on a future EU Coordination Centre for victims of terrorism.

Taking into account the contributions made at both meetings, the Spanish delegation submitted draft Council conclusions on the subject to the CATS meeting on 19 February 2018, as set out in 6105/18. The draft Council conclusions set out in annex are based on the outcome of the discussions at CATS on 18 May 2018.

The draft conclusions aim at promoting 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. These conclusions are also inspired by the lessons learnt and the needs identified in the aftermath of the latest terrorist attacks in Europe. These attacks showed 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.

The draft conclusions do not aim at establishing new rights or creating new structures but at assisting the victims to effectively exercise their rights. To that end, they invite Member States to identify contact points in order to facilitate coordination and exchange of information, building on the existing structures and looking for synergies with other EU initiatives on victims' rights.

COREPER is requested to invite the Council to approve the conclusions set out in the Annex.

DRAFT

COUNCIL CONCLUSIONS ON VICTIMS OF TERRORISM

The Council

REAFFIRMS that terrorism is one of the most serious violations of the values on which the European Union is based, reflected in Article 2 of the TEU: respect for human dignity, freedom, equality, solidarity, human rights and fundamental freedoms.

NOTES that terrorist attacks aim to seriously damage a country or international organisation and represent an attack against democracy, the rule of law and our way of life. Therefore, victims of terrorism are the targets of an attack that affects in the most gravest way the fundamental principles of the Union. Democratic societies in general, and EU Member States in particular, have to ensure that a comprehensive response to their needs, including the adoption of protection, support and assistance measures, is provided¹.

CONSIDERS that the current terrorist phenomenon often has a transnational dimension as regards perpetrators and victims, given the massive and indiscriminate targets. Therefore, the need to offer an appropriate and coordinated response to the victims regardless their residence within the EU must be emphasized in accordance with Article 26 of Directive 2017/541/EU.

UNDERLINES the fact that the 2005 European Union Counter-Terrorism Strategy², revised in 2014, recognises that solidarity, assistance and compensation of victims of terrorism and their families are an integral part of the response to terrorism at national and European level.

¹ Based on recitals 27-29 and Article 2 of Directive 2017/541/EU on combating terrorism.

² 14469/4/05.

REITERATES that Directive 2012/29/EU³, which is applicable to all victims of all crime, recognises that victims of terrorism need attention, support and protection, due to the particular nature of the crime that has been committed against them but ultimately aimed to harm society. It also calls on Member States to take particular account of the needs of victims of terrorism and those of their families and to seek to protect their dignity.

HIGHLIGHTS the fact that Directive 2017/541/EU⁴ on combating terrorism includes particular provisions dedicated to the victims of terrorism that respond more directly to the specific needs of victims of terrorism such as emotional and psychological support immediately after a terrorist attack and for as long as necessary, medical care and support in receiving information on any relevant legal, practical or financial matters.

NOTES that the Directive recognises the right to information and assistance in order to claim compensation available under the national law of the Member State where the attack takes place, in accordance with Directive 2004/80/EC⁵ relating to compensation to victims of crimes in cross-border situations.

EMPHASISES the need to promote cooperation among the relevant authorities of Member States on this issue to guarantee and facilitate the access of the victims to the necessary information, by removing any administrative and legal burden, and avoiding unnecessary delays, so they can claim their rights.

RECALLS that the European Council conclusions of 22 and 23 June 2017 underline the importance of providing support to the victims of terror acts.

³ Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

⁴ Directive 2017/541/EU of 15 March 2017 on combating terrorism, replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA.

⁵ Directive 2004/80/EC of 29 April relating to compensation to crime victims.

WELCOMES the Council conclusions of June 2016 establishing an informal network on victims' rights⁶.

WELCOMES the Commission's report from the high-level experts' meeting on victims' rights, which took place in Brussels on 29 January 2018.

REAFFIRMS that there is a strong need of a constant commitment by the Union to defend victims' rights in general.

UNDERLINES the indispensable contribution of civil society and victims' organisations in providing support to victims of terrorism.

NOTES the 2005 Guidelines of the Council of Europe (revised in 2017) on improving support, information and compensation for victims of terrorism.

RECALLS the United Nations Global Counter-Terrorism Strategy⁷ which highlights the need to promote and protect the rights of the victims of terrorism.

RECALLS likewise, Resolution 2322 of the United Nations Security Council of 12 December 2016 on international legal assistance for terrorism.

REAFFIRMS its profound solidarity with the victims of terrorism and their families, and STRESSES the importance of assisting victims of terrorism and providing them and their families with support to cope with their loss and grief.

⁶ 8960/16.

⁷ Resolution 60/288 of 8 September 2006 adopting the United Nations Global Counter-Terrorism Strategy.

MEMBER STATES ARE CALLED ON TO

Effectively TRANSPOSE, where applicable, the provisions on protection, support and rights of victims of terrorism set out in Directive 2017/541/EU, taking into consideration the particularity and special needs of this group of people.

Effectively TRANSPOSE, and ENSURE, where applicable, the practical application of, the provisions of Directive 2012/29/EU which is applicable to all victims of all crime, including victims of terrorism, and together with Directive 2017/547/EU constitutes a solid set of rights for victims of terrorism.

NOMINATE a national contact point responsible for provision of information concerning the available support, assistance, protection and compensation system for victims in order to facilitate the rapid exchange of information and assistance in the event of a terrorist attack.

ENCOURAGE cooperation and synergies with existing EU structures such as the European Network on Victims' Rights, the European Judicial Network (EJN), EUROJUST and EU police-and crisis management networks.

EXCHANGE experiences and good practices regarding assistance and support to victims of terrorism and assess, together with the Commission, the possibility of publishing a guide to best practices in the event of a terrorist attack in a Member State to help coordination and rapid exchange of information among the authorities in charge of support and assistance for victims.

THE COMMISSION IS REQUESTED TO

SUPPORT the setting up of a Coordination Centre for victims of terrorism, which would be a hub gathering the necessary expertise on all matters related to victims of terrorism and would assist Member States by providing for a guide to best practices on how to act in the event of a terrorist attack and on how to prepare for the possibility of a terrorist attack.

SUPPORT Member States in exchanging experiences and best practices, and promote specific training activities aimed at the professionals providing support and assistance to victims.