

Human Rights of Victims of Terrorism

A compilation of selected international sources

8 August 2019

UN General Assembly (GA), Human Rights Council (HRC), and Security Council (SC) resolutions

SC res 1566 (8 October 2004). Threats to international peace and security caused by terrorist acts

SC res 1624 (14 September 2005). Threats to international peace and security (Security Council Summit 2005)

GA res 60/158 (16 December 2005). Protection of human rights and fundamental freedoms while countering terrorism

GA res 60/288 (8 September 2006). Global Counter-Terrorism Strategy. Annex: Plan of Action

HRC res 10/15 (26 March 2009). Protection of human rights and fundamental freedoms while countering terrorism

SEC res 1963 (20 December 2010). Threats to international peace and security caused by terrorist acts

HRC decision 16/116 (24 March 2011). Panel on the human rights of victims of terrorism

HRC res 19/19 (23 March 2012). Protection of human rights and fundamental freedoms while countering terrorism

SC res 2129 (17 December 2013). Threats to international peace and security caused by terrorist acts

GA res 68/178 (18 December 2013). Protection of human rights and fundamental freedoms while countering terrorism

HRC res 25/7 (27 March 2014). Protection of human rights and fundamental freedoms while countering terrorism

HRC res 29/9 (2 July 2015). Protection of human rights and fundamental freedoms while countering terrorism

HRC res 31/30 (20 April 2016). Effects of terrorism on enjoyment of all human rights

HRC res 34/8 (7 April 2017). Effects of terrorism on the enjoyment of all human rights

HRC res 35/34 (23 June 2017). Protection of human rights and fundamental freedoms while countering terrorism

GA res 72/165 (19 December 2017). Day of Tribute to Victims of Terrorism

GA res 72/180 (19 December 2017). Protection of human rights and fundamental freedoms while countering terrorism

SC res 2395 (21 December 2017). Threats to international peace and security caused by terrorist acts

GA res 72/246 (24 December 2017). Effects of terrorism on the enjoyment of human rights

HRC res 37/27 (23 March 2018). Terrorism and human rights

GA res 72/284 (26 June 2018): UN Global Counter Terrorism Strategy Review

GA res 73/174 (17 December 2018). Terrorism and human rights

HRC res 40/16 (22 March 2019). Mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

GA res 73/305 (2 July 2019): Enhancement of international cooperation to assist victims of terrorism

Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

First Report to the Commission on Human Rights, E/CN.4/2006/98 (28 December 2005)

Ten areas of best practices in countering terrorism, A/HRC/16/51 (22 December 2010)

Framework principles for securing the human rights of victims of terrorism, A/HRC/20/14 (4 June 2012)

Final Report to the Council by Ben Emmerson, A/HRC/34/61 (21 February 2017)

Country Visit: Spain, A/HRC/10/3/Add.2 (16 December 2008)

Country Visit: France, A/HRC/40/52/Add.4 (8 May 2019)

Country Visit: Belgium, A/HRC/40/52/Add.5 (27 February 2019)

Other Reports

Secretary General's report on activities related to victims of terrorism, A/73/599 (28 November 2018)

Secretary General's report on Protecting and promoting human rights while countering terrorism, A/72/13 (11 August 2017)

OHCHR summary of the 1 June 2011 Human Rights Council panel discussion on the issue of human rights of victims of terrorism, A/HRC/19/38 (7 December 2011)

High Commissioner's report on Negative effects of terrorism on enjoyment of human rights and fundamental freedoms, A/HRC/34/30 (30 December 2016)

High Commissioner's report on rights of child victims of terrorism, A/HRC/40/28 (10 January 2019)

Report of UN Conference on Human Rights of Victims of Terrorism (2016)

UNODC, The Criminal Justice Response to Support Victims of Acts of Terrorism (2012)

UNODC, Good Practices in supporting victims of terrorism within the Criminal Justice Framework (2015)

Global Counterterrorism Forum, Madrid Memorandum on Good Practices for Assistance to Victims of Terrorism Immediately After the Attack and in Criminal Proceedings (2013).

Regional Materials

Council of Europe, Revised Guidelines on the protection of victims of terrorist acts (19 May 2017)

African Commission on Human and Peoples' Rights: Guidelines on HR while countering terrorism in Africa (2015)

UN Counter-terrorism Centre (UNCCT), Good Practices to support victims organizations in Africa & Middle East (2018)

UN General Assembly (GA), Human Rights Council (HRC), and Security Council (SC) resolutions

SC res 1566 (8 October 2004). Threats to international peace and security caused by terrorist acts

Deeply concerned by the increasing number of victims, including children, caused by acts of terrorism motivated by intolerance or extremism in various regions of the world,

...

Reaffirming its profound solidarity with victims of terrorism and their families,

...

10. *Requests further* the working group, established under paragraph 9 to consider the possibility of establishing an international fund to compensate victims of terrorist acts and their families, which might be financed through voluntary contributions, which could consist in part of assets seized from terrorist organizations, their members and sponsors, and submit its recommendations to the Council;

SC res 1624 (14 September 2005). Threats to international peace and security (Security Council Summit 2005)

Deeply concerned by the increasing number of victims, especially among civilians of diverse nationalities and beliefs, caused by terrorism motivated by intolerance or extremism in various regions of the world, reaffirming its profound solidarity with the victims of terrorism and their families, and stressing the importance of assisting victims of terrorism and providing them and their families with support to cope with their loss and grief,

GA res 60/158 (16 December 2005). Protection of human rights and fundamental freedoms while countering terrorism

2. *Deplores* the suffering caused by terrorism to the victims and their families, and expresses its profound solidarity with them;

GA res 60/288 (8 September 2006). Global Counter-Terrorism Strategy. Annex: Plan of Action

We resolve to undertake the following measures aimed at addressing the conditions conducive to the spread of terrorism, including but not limited to prolonged unresolved conflicts, dehumanization of victims of terrorism in all its forms and manifestations, lack of the rule of law and violations of human rights, ethnic, national and religious discrimination, political exclusion, socio-economic marginalization and lack of good governance, while recognizing that none of these conditions can excuse or justify acts of terrorism.

...

We resolve to undertake the following measures, reaffirming that the promotion and protection of human rights for all and the rule of law is essential to all components of the Strategy, recognizing that effective counter-terrorism measures and the protection of human rights are not conflicting goals, but complementary and mutually reinforcing, and stressing the need to promote and protect the rights of victims of terrorism:

HRC res 10/15 (26 March 2009). Protection of human rights and fundamental freedoms while countering terrorism

3. *Deeply deplores* the suffering caused by terrorism to the victims and their families and expresses its profound solidarity with them, and stresses the importance of providing them with proper assistance;

SEC res 1963 (20 December 2010). Threats to international peace and security caused by terrorist acts

Expressing its profound solidarity with the victims of terrorism and their families, stresses the importance of assisting victims of terrorism, and providing them and their families with support to cope with their loss and grief, recognizes the important role that victims and survivor networks play in countering terrorism, including by bravely speaking out against violent and extremist ideologies, and in this regard, welcomes and encourages the efforts and activities of Member States and the UN system, including the Counter-Terrorism Implementation Task Force (CTITF) in this field”,

HRC decision 16/116 (24 March 2011). Panel on the human rights of victims of terrorism

Deplores the suffering caused by terrorism to the victims and their families, expressing its profound solidarity with them, and stressing the importance of providing them with assistance,

Recognizing the work of the Working Group on Supporting and Highlighting Victims of Terrorism of the Counter-Terrorism Implementation Task Force, including its workshop in Siracusa, Italy, held on 2 and 3 December 2010, on best practices on supporting victims of acts of terrorism, and taking note of other efforts made by the United Nations in this field, including the meetings of the Expert Group of the United Nations Office on Drugs and Crime, held on 26 and 27 May 2010, in Vienna, and on 26 and 27 January 2011, in Bogotá, on the criminal justice response to victims of terrorism,

Taking note of the work on victims of terrorism of the Special Rapporteur on Terrorism and Human Rights of the Subcommission for the Promotion and Protection of Human Rights,

Recognizing, therefore, the need to reflect on the question of human rights of victims of terrorist acts,

1. *Decides* to convene, within existing resources, at its seventeenth session, a panel discussion on the issue of the human rights of victims of terrorism, taking into account, inter alia, the recommendations of the Secretary-General's Symposium on Supporting Victims of Terrorism, held on 9 September 2008, in New York;
2. *Requests* the Office of the United Nations High Commissioner for Human Rights to liaise with the Special Rapporteur on the promotion and protection of human rights while countering terrorism and all concerned parties and stakeholders, including relevant United Nations bodies and agencies, with a view to ensuring their participation in the panel discussion;
3. *Also requests* the Office of the High Commissioner to prepare a report on the outcome of the panel discussion in the form of a summary.

HRC res 19/19 (23 March 2012). Protection of human rights and fundamental freedoms while countering terrorism

4. *Deeply deplores* the suffering caused by terrorism to the victims and their families, and expresses its profound solidarity with them, and stresses the importance of providing them with proper support and assistance;
5. *Welcomes* the holding, on 1 June 2011 and pursuant to decision 16/116 of the Human Rights Council, of a panel discussion on the issue of human rights of victims of terrorism, which raised awareness of the importance of addressing the human rights of victims of terrorism in the determined effort by the international community to deal with the scourge of terrorism and as part of a comprehensive counter-terrorism policy that respects human rights and fundamental freedoms;

SC res 2129 (17 December 2013). Threats to international peace and security caused by terrorist acts

Noting the work of the Global Counterterrorism Forum (GCTF), in particular its publication of several framework documents and good practices, including in the areas of countering violent extremism, criminal justice, kidnapping for ransom, providing support to victims of terrorism, and community-oriented policing, to complement the work of the relevant United Nations counterterrorism entities in these areas, and encouraging CTED to continue its interaction with GCTF, in its work with Member States to promote the full implementation of resolutions 1373 (2001) and 1624 (2005),

...

Expressing its profound solidarity with the victims of terrorism and their families, stresses the importance of assisting victims of terrorism, and providing them and their families with support to cope with their loss and grief, recognizes the important role that victims and survivor networks play in countering terrorism, including by bravely speaking out against violent and extremist

ideologies, and in this regard, welcomes and encourages the efforts and activities of Member States and the United Nations system, including the Counter-Terrorism Implementation Task Force (CTITF) in this field,

...

16. *Expresses* its profound solidarity with the victims of terrorism and their families, and encourages CTED to take into account the important role that victims and survivor networks can play in countering terrorism, in close cooperation with CTITF and its relevant Working Groups;

GA res 68/178 (18 December 2013). Protection of human rights and fundamental freedoms while countering terrorism

2. *Deeply deplores* the suffering caused by terrorism to the victims and their families, expresses its profound solidarity with them, and stresses the importance of providing them with assistance and other appropriate measures to protect, respect and promote their human rights;

HRC res 25/7 (27 March 2014). Protection of human rights and fundamental freedoms while countering terrorism

4. *Deeply deplores* the suffering caused by terrorism to the victims and their families, and expresses its profound solidarity with them, and stresses the importance of providing them with proper support and assistance;

5. *Recalls* the panel discussion held by the Human Rights Council, pursuant to Council decision 16/116 of 24 March 2011, on 1 June 2011, which raised awareness of the importance of addressing the human rights of victims of terrorism in the determined effort by the international community to deal with the scourge of terrorism and as part of a comprehensive counter-terrorism policy that respects human rights and fundamental freedoms;

HRC res 29/9 (2 July 2015). Protection of human rights and fundamental freedoms while countering terrorism

6. *Deeply deplores* the suffering caused by terrorism to the victims and their families, expresses its profound solidarity with them, and stresses the importance of providing them with proper support and assistance;

HRC res 31/30 (20 April 2016). Effects of terrorism on enjoyment of all human rights

13. *Expresses* its solidarity with the victims of terrorism and their families, and acknowledges the importance of protecting their rights and of providing them with proper support and assistance, while taking into account, when appropriate, considerations regarding remembrance, dignity, respect, justice and truth in such a way that promotes accountability and ends impunity, in

accordance with international law, and encourages the enhancement of international cooperation and the exchange of expertise in that respect, in accordance with international law;

14. *Encourages* States to provide appropriate assistance and rehabilitation for victims of terrorism in accordance with relevant national laws from within available resources;

...

17. *Requests* the High Commissioner to prepare a report on the negative effects of terrorism on the enjoyment of all human rights and fundamental freedoms, particularly the right to life, liberty and security of person, while paying particular attention to best practices and major challenges in this regard, and to present the report to the Human Rights Council at its thirty-fourth session.

HRC res 34/8 (7 April 2017). Effects of terrorism on the enjoyment of all human rights

3. *Expresses* concern at the alarming number of victims caused by the escalating level of terrorist attacks throughout the globe, resulting in numerous casualties and destruction;

...

8. *Expresses* concern at the increase in kidnapping and hostage-taking with demands for ransom and/or political concessions being made by terrorist groups, and expresses the need to address this issue;

...

16. *Reaffirms* its profound solidarity with the victims of terrorism and their families, and acknowledges the importance of protecting their rights and of providing them with proper support and assistance, while taking into account, when appropriate, considerations regarding remembrance, dignity, respect, justice and truth in such a way that promotes accountability and ends impunity, in accordance with international law, and encourages the enhancement of international cooperation and the exchange of expertise in that respect, in accordance with international law;

...

17. *Encourages* States to provide appropriate assistance and rehabilitation for victims of terrorism in accordance with relevant national laws from within available resources;

HRC res 35/34 (23 June 2017). Protection of human rights and fundamental freedoms while countering terrorism

6. *Deeply deplores* the suffering caused by terrorism to the victims and their families and, while stressing the need to promote and protect the rights of victims of terrorism, in particular women and children, reaffirms its profound solidarity with them, and stresses the importance of providing them with proper support and assistance while respecting, inter alia, considerations regarding remembrance, dignity, respect, accountability, truth and justice, in accordance with international law;

7. *Emphasizes* the need to ensure that victims of terrorism are treated with dignity and respect, stresses the need to promote international solidarity in support of the victims of terrorism, and recognizes the role that victims of terrorism can play, including in countering the appeal of terrorism;

...

9. *Stresses* the importance of ensuring access to justice and accountability, including by developing and maintaining effective, fair, humane, transparent and accountable criminal justice systems, in accordance with applicable international law, as a fundamental basis of any strategy to counter terrorism and violent extremism conducive to terrorism;

...

19. *Reiterates* that, given their potential status as victims of terrorism and of other violations of international law, all children alleged as, accused of or recognized as having infringed the law, particularly those who are deprived of their liberty, as well as child victims and witnesses of crimes, should be treated in a manner consistent with his or her rights, dignity and needs, in accordance with applicable international law, in particular the obligations set out under the Convention on the Rights of the Child, and, bearing in mind relevant international standards on human rights in the administration of justice in this regard, urges Member States to take relevant measures to effectively reintegrate children formerly associated with armed groups, including terrorist groups

GA res 72/165 (19 December 2017). Day of Tribute to Victims of Terrorism

1. *Decides* to proclaim 21 August the International Day of Remembrance of and Tribute to the Victims of Terrorism, in order to honour and support the victims and survivors of terrorism and to promote and protect the full enjoyment of their human rights and fundamental freedoms;

2. *Invites* all Member States, organizations of the United Nations system, within existing resources, as well as other international organizations, and civil society entities, including non-governmental organizations and individuals, to observe the International Day in an appropriate manner;

...

4. *Requests* the Secretary-General to report to the General Assembly at its seventy-third session on the implementation of the present resolution.

GA res 72/180 (19 December 2017). Protection of human rights and fundamental freedoms while countering terrorism

Recalling also its resolution 60/288 of 8 September 2006, by which it adopted the United Nations Global Counter-Terrorism Strategy, and its resolution 70/291 of 1 July 2016 on the review of the United Nations Global Counter-Terrorism Strategy, in which it called upon Member States and the United Nations entities involved in supporting counter-terrorism efforts to continue to facilitate the promotion and protection of human rights and fundamental freedoms, as well as due process and the rule of law, while countering terrorism, reaffirming that the promotion and protection of human rights for all and the rule of law are essential to preventing

and combating terrorism, recognizing that effective counter-terrorism measures and the protection of human rights are not conflicting goals but are complementary and mutually reinforcing, and stressing the need to promote and protect the rights of victims of terrorism,

...

2. *Deeply deplores* the suffering caused by terrorism to the victims and their families, expresses its profound solidarity with them, and stresses the importance of providing them with assistance and other appropriate measures to protect, respect and promote their human rights;

...

6. *Calls upon* States to protect the human rights of victims of terrorism, including with regard to their access to justice;

SC res 2395 (21 December 2017). Threats to international peace and security caused by terrorist acts

Reaffirming that the promotion and protection of human rights for all and the rule of law are essential components of counterterrorism, and recognizing that effective counterterrorism measures and the protection of human rights are not conflicting goals, but complementary and mutually reinforcing, and stressing the need to promote and protect the rights of victims of terrorism,

...

24. *Expresses* its profound solidarity with the victims of terrorism and their families, and encourages CTED, in close cooperation with UNOCT, to take into account the important roles victims and their networks can play, including through the credibility of their voices, in countering terrorism;

GA res 72/246 (24 December 2017). Effects of terrorism on the enjoyment of human rights

Reaffirming also that the promotion and the protection of human rights for all and the rule of law are essential to the fight against terrorism, recognizing that effective counter-terrorism measures and the protection of human rights are not conflicting goals, but are complementary and mutually reinforcing, and stressing the need to promote and protect the rights of victims of terrorism,

...

4. *Deeply deplores* the suffering caused by terrorism to the victims of terrorism in all its forms and manifestations and to their families, expresses its profound solidarity with them, and encourages Member States to provide them with proper support and assistance while taking into account, inter alia, when appropriate, considerations regarding remembrance, dignity, respect, justice and truth, in accordance with international law;

...

10. *Reaffirms* its profound solidarity with the victims of terrorism and their families, and acknowledges the importance of protecting their rights and providing them with proper support, assistance and rehabilitation, while taking into account, when appropriate, considerations regarding remembrance, dignity, respect, justice and truth in such a way that promotes accountability and ends

impunity, and encourages the enhancement of international cooperation and the exchange of expertise in that respect, in accordance with international law;

HRC res 37/27 (23 March 2018). Terrorism and human rights

Deeply deploring the suffering caused by terrorism to the victims and their families and, while stressing the need to promote and protect the rights of victims of terrorism, in particular women and children, reaffirming its profound solidarity with them and stressing the importance of providing them with proper support and assistance while respecting, *inter alia*, considerations regarding remembrance, dignity, respect, accountability, truth and justice, in accordance with international law,

...

5. *Reaffirms* its profound solidarity with the victims of terrorism and their families, and acknowledges the importance of protecting their rights and providing them with proper support, assistance and rehabilitation while taking into account, when appropriate, considerations regarding remembrance, dignity, respect, justice and truth in such a way that promotes accountability and ends impunity, and encourages the enhancement of international cooperation and the exchange of expertise in that respect, in accordance with international law;

6. *Stresses* the importance of ensuring access to justice and accountability, and calls upon States to ensure that any person who alleges that his or her human rights or fundamental freedoms have been violated by measures taken or means employed to counter terrorism or violent extremism conducive to terrorism has access to justice, due process and an effective remedy, and that victims of human rights violations and abuses receive adequate, effective and prompt remedy and reparations, which should include, as appropriate, restitution, compensation, rehabilitation and guarantees of non-repetition as a fundamental basis of any strategy to counter terrorism and violent extremism conducive to terrorism;

GA res 72/284 (26 June 2018): UN Global Counter Terrorism Strategy Review

Recognizing the role that victims of terrorism in all its forms and manifestations can play, including in countering the appeal of terrorism, and emphasizing the need to promote international solidarity in support of victims of terrorism and to ensure that victims of terrorism are treated with dignity and respect,

Recalling, in this regard, its proclamation of 21 August as the International Day of Remembrance of and Tribute to the Victims of Terrorism, in order to honour and support the victims and survivors of terrorism and to promote and protect the full enjoyment of their human rights and fundamental freedoms,

...

Reaffirming also the commitment of Member States to take measures aimed at addressing the conditions conducive to the spread of terrorism, including but not limited to prolonged unresolved conflicts, dehumanization of victims of terrorism in all its forms and manifestations, lack of the rule of law and violations of human rights, ethnic, national and religious discrimination, political

exclusion, socioeconomic marginalization and lack of good governance, while recognizing that none of these conditions can excuse or justify acts of terrorism,

...

13. *Deeply deplores* the suffering caused by terrorism to the victims of terrorism in all its forms and manifestations and to their families, expresses its profound solidarity with them, and encourages Member States to provide them with proper support and assistance while taking into account, inter alia, when appropriate, considerations regarding remembrance, dignity, respect, justice and truth, in accordance with international law;

14. *Acknowledges* the importance of building the resilience of victims and their families as an integral part of a counter-terrorism strategy, and encourages Member States to include this aspect in their national counter-terrorism strategies, including by providing victims and their families with proper support and assistance immediately after an attack and in the long term and sharing on a voluntary basis best practices and lessons learned related to the protection of victims of terrorism, including regarding the provision of legal, medical, psychosocial or financial support;

...

60. *Recognizes* the work done and efforts made by the relevant United Nations bodies and entities and other international, regional and subregional organizations aimed at supporting, recognizing and protecting the rights of victims of terrorism in all its forms and manifestations, and urges them to step up their efforts to provide, upon request, technical assistance for building the capacity of Member States in the development and implementation of programmes of assistance and support for victims of terrorism;

...

77. *Reiterates* that, given their potential status as victims of terrorism as well as of other violations of international law, all children alleged to have, accused of having or recognized as having infringed the law, particularly those who are deprived of their liberty, as well as child victims and witnesses of crimes, should be treated in a manner consistent with their rights, dignity and needs, in accordance with applicable international law, in particular obligations under the Convention on the Rights of the Child, and, bearing in mind relevant international standards on human rights in the administration of justice in this regard, urges Member States to take relevant measures to effectively reintegrate children formerly associated with armed groups, including terrorist groups;

GA res 73/174 (17 December 2018). Terrorism and human rights

Deeply deploring the suffering caused by terrorism to the victims and their families, and, while stressing the need to promote and protect the rights of victims of terrorism, in particular women and children, reaffirming its profound solidarity with them and stressing the importance of providing them with proper support and assistance while respecting, inter alia, considerations regarding remembrance, dignity, respect, accountability, truth and justice, in accordance with international law,

Expressing deep concern that acts of sexual and gender-based violence are known to be part of the strategic objectives and ideology of certain terrorist groups and are used as an instrument to increase their power through supporting financing and recruitment and through the destruction of communities,

...

7. *Also reaffirms* its profound solidarity with the victims of terrorism and their families, acknowledges the importance of protecting their rights and providing them with proper support, assistance and rehabilitation while taking into account, when appropriate, considerations regarding remembrance, dignity, respect, justice and truth in such a way that promotes accountability and ends impunity, and encourages the enhancement of international cooperation and the exchange of expertise in that respect, in accordance with international law and the Charter of the United Nations;

8. *Stresses* the importance of ensuring access to justice and accountability, and calls upon States to ensure that any person who alleges that his or her human rights or fundamental freedoms have been violated by measures taken or means employed to counter terrorism or violent extremism conducive to terrorism has access to justice, due process and an effective remedy, and that victims of human rights violations and abuses receive adequate, effective and prompt remedy and reparations, which should include, as appropriate, restitution, compensation, rehabilitation and guarantees of non-repetition as a fundamental basis of any strategy to counterterrorism and violent extremism conducive to terrorism;

HRC res 40/16 (22 March 2019). Mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Expressing deep concern at the perpetration of violations of human rights and fundamental freedoms in the context of the fight against terrorism and at the effects of terrorism on the enjoyment of human rights and fundamental freedoms, notably in respect of victims;

...

2. *Recognizes* the work of the Special Rapporteur in addressing the human rights and fundamental freedoms of victims of terrorism, and encourages the Special Rapporteur to continue to address this issue, in consultation with Governments, the individuals concerned, their families, their representatives and civil society organizations;

GA res 73/305 (2 July 2019): Enhancement of international cooperation to assist victims of terrorism

...

Recalling also the United Nations Global Counter-Terrorism Strategy and the consecutive General Assembly resolutions on the reviews of the Strategy, including their provisions related to victims of terrorism,

Reaffirming the commitment of Member States to taking measures aimed at addressing the dehumanization of victims of terrorism in all its forms and manifestations,

Recognizing the role that victims of terrorism in all its forms and manifestations can play, including in countering the appeal of terrorism, and emphasizing the need to promote international solidarity in support of victims of terrorism and to ensure that victims of terrorism are treated with dignity and respect,

...
Recognizing that victims of terrorism should be treated with compassion and respect for their dignity and have their right to access to justice and redress mechanisms, as provided for in applicable domestic law, fully respected, and that the establishment, strengthening and expansion of funds, as permitted under domestic law, for compensation or reimbursement to victims should be encouraged,

...
Strongly condemning all forms of sexual and gender-based violence, abductions, trafficking in persons, rape, forced marriage, enslavement and other forms of violence perpetrated by terrorist groups, and stressing the importance of bringing perpetrators to justice and addressing the needs of victims, in particular women and children, in this regard,

Deeply deploring the suffering caused by terrorism to the victims and their families, and, while stressing the need to promote and protect the rights of victims of terrorism, in particular women and children, reaffirming its profound solidarity with them and stressing the importance of providing them with proper support and assistance, while respecting, inter alia, considerations regarding remembrance, dignity, respect, accountability, truth and justice, in accordance with international law,

Recognizing the importance of respecting the human rights of victims of terrorism and their families and of providing them with appropriate support and assistance in accordance with applicable law,

Recalling the adoption of its resolution 72/165 of 19 December 2017, entitled “International Day of Remembrance of and Tribute to the Victims of Terrorism”, as an important step,

Taking note of the report of the Secretary-General on the International Day of Remembrance of and Tribute to the Victims of Terrorism,¹

Underlining that victims of terrorism play an important role in the criminal justice process, highlighting the importance of the sharing of good practices in addressing victims’ needs after a terrorist attack and during the criminal justice process, and in this regard taking note of the United Nations Office on Drugs and Crime handbook entitled “The Criminal Justice Response to Support Victims of

¹ UNSG, Report to UNGA on implementation of resolution 72/165, 28 November 2018 ([A/73/599](#)), *infra*.

Acts of Terrorism” and publication entitled “Good Practices in Supporting Victims of Terrorism within the Criminal Justice Framework”,

Welcoming the United Nations Counter-Terrorism Centre support programme for victims of terrorism for the period 2018–2020, which is focused on raising awareness of victims’ issues and strengthening their voices,

Highlighting the importance of effective coordination among relevant governmental offices and agencies and cooperation with civil society organizations providing support and assistance to victims and their families,

1. *Calls upon* all Member States to develop comprehensive assistance plans for victims of terrorism, consistent with domestic law, taking into account a gender perspective, to address the immediate, short-term and long-term needs of victims of terrorism and their families with regard to their relief and rehabilitation, ensuring that they are provided with proper support and assistance, both immediately after an attack and in the long term, including through the sharing of best practices and lessons learned related to the protection of and assistance to victims of terrorism;

2. *Urges* Member States to establish systems of assistance, consistent with domestic law, that would address the needs of victims of terrorism *and* their families and promote and protect their rights, including by partnering with health professionals, emergency planning managers and members of law enforcement, prosecutors’ offices and civil society, where applicable, to institutionalize the provision of assistance to victims;

3. *Calls upon* all Member States to consider the impacts of terrorism on women and children and to seek greater consultations, as appropriate, with women and women’s organizations when developing their victim assistance plans;

4. *Emphasizes* that the granting of such assistance should be provided, in accordance with domestic law, to victims of terrorist acts regardless of whether the perpetrator of the terrorist act is identified, apprehended, prosecuted or convicted;

5. *Underlines* that, if a victim does not normally reside in the territory of the State in which the terrorist act occurred, that State should cooperate and coordinate with the victim’s State of residence in ensuring that the victim receives assistance, in accordance with domestic law;

6. *Stresses* the importance of effective, fair, humane, transparent and accountable criminal justice systems, in accordance with applicable domestic and international law, in supporting victims of terrorism, and encourages Member States to consider victims of terrorism in this regard, including when developing and maintaining appropriate strategies for prosecution, rehabilitation and reintegration and addressing conditions conducive to the spread of terrorism;

7. *Calls upon* the United Nations Office of Counter-Terrorism to further enhance coordination and coherence across the United Nations Global Counter-Terrorism Coordination Compact entities on raising awareness of victims' issues and the delivery of United Nations capacity-building assistance to requesting Member States;

8. *Also calls upon* the United Nations Office of Counter-Terrorism, in particular the United Nations Counter-Terrorism Centre, within *their* respective mandates, to assist requesting Member States in developing their comprehensive assistance plans for victims of terrorism and in building their capacity to assist victims of terrorism;

9. *Reaffirms* the role of the United Nations Office on Drugs and Crime in providing technical assistance for building the capacity of requesting Member States in the development and implementation of programmes of assistance and support for victims of terrorism, in accordance with relevant national legislation, and requests the Office, within its mandate, to continue to enhance its support to Member States, at their request, to improve the criminal justice system response to support victims of acts of terrorism by continuing and enhancing its assistance relating to international legal and judicial cooperation pertaining to countering terrorism and by fostering the development of strong and effective central authorities for international cooperation in criminal matters;

10. *Encourages* the United Nations Global Counter-Terrorism Coordination Compact working group on promoting and protecting human rights and the rule of law while countering terrorism and supporting victims of terrorism to continue to raise awareness of victims' issues and the promotion and protection of victims' rights, including in the criminal justice process, and urges the working group to increase the attention paid to strengthening efforts to build the capacity of requesting Member States and to engagement with relevant civil society organizations to assist and support victims of terrorism in protecting their rights and needs, including the need to have public recognition and to keep their memory alive;

11. *Recognizes* the valuable roles that civil society and the private sector play in supporting victims of terrorism, including by assisting with the provision of assistance and medical, legal and psychosocial support services, by advocating on behalf of victims and by helping victims to bring public awareness to the human impact of terrorist acts, which can also contribute to the prevention of terrorism and the building of resilience and social cohesion;

12. *Also recognizes* the need to continue to provide tangible capacity-building assistance to requesting Member States in building sustainable national systems to assist victims of terrorism, and in this regard stresses the need to contribute more resources for capacity-building projects;

13. *Calls upon* Member States to respect the dignity and legal rights of victims of terrorism, as provided for in domestic law, in criminal litigation and in gaining access to justice, including the right to be considered for witness protection

measures and appropriate assistance and support during criminal proceedings, awareness of court proceedings and charges, the right to be treated with fairness and with respect for their dignity and privacy and for their safety from intimidation and retaliation, in particular where they appear as witnesses, the right to full and timely restitution and the ability to address the court and consult with prosecutors;

14. *Takes note* of the United Nations support portal for victims of terrorism, and urges the United Nations to provide relevant information for victims, their families and communities, including but not limited to psychosocial support and access to national criminal justice systems or rehabilitation opportunities offered by Member States;

15. *Requests* the Secretary-General to submit to the General Assembly at its seventy-fourth session a report on the progress made in the implementation of the present resolution, containing an evaluation of the existing United Nations activities regarding victims of terrorism, with a focus on concrete recommendations and, as appropriate, detailed options, including for a voluntarily funded comprehensive programme to support Member States, at their request, in assisting victims of terrorism through national systems.

Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

First Report to the Commission on Human Rights, E/CN.4/2006/98 (28 December 2005)

64. As a reflection on the full title of his mandate, the Special Rapporteur wishes to point out that the notion of the “promotion and protection of human rights and fundamental freedoms while countering terrorism” does not merely refer to the risk of human rights violations as a side effect of concrete action in the fight against terrorism. The comprehensive remit of his mandate also includes issues such as sustainable strategies to prevent acts of terrorism, inter alia through addressing the “root causes” of terrorism - or, more appropriately, “conditions conducive to terrorism” - and calling for effective protection for the human rights of victims of terrorism and their families

...

66. As to victims of terrorism, the Special Rapporteur wishes to promote a human-rights-based approach to the issue and will return to the matter in his subsequent reports. In his view, victims of terrorism and their families have a human right to an effective remedy, and the corresponding State obligations include a duty to exclude any possibility of impunity for acts of terrorism.

Ten areas of best practices in countering terrorism, A/HRC/16/51 (22 December 2010)

24. Addressing the rights of the victims of terrorism represents a best practice not just because it assists the victims of terrorism to rebuild their lives, but can also help to reduce tensions in society that might themselves result in conditions conducive to recruitment to terrorism. States are recognizing the need for victims of terrorism to be provided with legal status and with protection of their human rights at all times, including their rights to health, legal assistance, justice, truth and adequate, effective and prompt reparation. Some countries allow for the proceeds of sale of terrorist property forfeited to the State to be used to compensate victims of terrorism. Supporting the victims of terrorism who have suffered serious violations of their basic rights includes the provision of material, legal and psychological assistance. Bringing the perpetrators of terrorist acts to justice is also vitally important. With the aim of building bridges between adversely affected groups, compensation to victims of counter-terrorism measures, as a potential remedy under practice 5, should be provided equally and through the same institutions and programmes as compensation to victims of terrorism.

25. The Special Rapporteur formulates the template provisions below as a best practice in the fight against terrorism:

Practice 6. Model provisions on reparations and assistance to victims

1. Damage to natural or legal persons and their property resulting from an act of terrorism or acts committed in the name of countering terrorism shall be compensated through funds from the State budget, in accordance with international human rights law.

2. Natural persons who have suffered physical or other damage or who have suffered violations of their human rights as a result of an act of terrorism or acts committed in the name of countering terrorism shall be provided with additional legal, medical, psychological and other assistance required for their social rehabilitation through funds from the State budget.

Framework principles for securing the human rights of victims of terrorism, A/HRC/20/14 (4 June 2012)

66. The Special Rapporteur recommends that States take effective international action to protect the human victims of terrorism through the adoption of a specific normative framework declaring and protecting their rights. The international community, acting under the auspices of the United Nations, should therefore take steps towards enshrining the human rights set out in this report and the corresponding obligations on States in a specific international instrument.

67. Pending the adoption of such an instrument, States should review their national legislation, procedures and practice and make all necessary amendments to bring them into line with the following Framework principles for securing the human rights of victims of terrorism:

- (a) The State's obligation to protect and secure the right to life includes the duty to take appropriate steps to safeguard the lives of individuals within its jurisdiction. Consequently, (i) the State has a duty under international law to put in place effective criminal law provisions to deter the incitement, preparation and commission of terrorist offences, supported by law-enforcement machinery for the prevention, suppression and sanctioning of breaches; (ii) relevant public officials come under a positive operational duty to take preventative action where they know, or ought to know, of the existence, at the relevant time, of a real and immediate risk to the life of an identified individual or group of individuals, and yet fail to take measures, within the scope of their legal powers and available resources, and in conformity with the State's international obligations, which judged reasonably, might be expected to avoid that risk.
- (b) Individuals suspected of having engaged in the incitement, preparation, instigation or commission of acts of terrorism should be duly investigated, and if appropriate, prosecuted, convicted and punished, according to the ordinary rules of criminal law and procedure, or else extradited to face trial in another jurisdiction. This implies a fair and public hearing before an independent and

impartial civilian court. States are under a duty to provide mutual legal assistance in the investigation and prosecution of terrorist offences and to cooperate, as far as they consider reasonable, in the exchange of intelligence with other States. These duties, however, take effect subject to the a priori obligation of all States to refuse such assistance where it would entail the commission of, complicity in, or any form of direct or indirect assistance to, an internationally wrongful act, including any violation of international human rights law.

- (c) The State is obliged to conduct an effective official investigation whenever individuals have been killed or seriously injured as the direct or indirect result of an act of terrorism, with a view to securing accountability and learning lessons for the future. The key features of such an investigation are that (i) the authorities must act *ex officio*; (ii) the investigation should always begin promptly and be carried out with reasonable expedition; (iii) the authorities must ensure that the victim or his/her next-of-kin are kept fully informed of the progress of the investigation, and are provided with an adequate opportunity to participate in the process; (iv) investigators must be genuinely impartial; (v) the investigation must be capable of leading to the identification, accountability and, where appropriate, the punishment of those responsible for any act or omission which has caused or contributed to the death or serious physical or psychological injury of a victim of terrorism, including any public official implicated in the events; (vi) there must be a sufficient element of public scrutiny of the investigation and its results to secure accountability; (vii) the authorities must have taken all reasonable steps to secure the relevant evidence; and (viii) any conclusions must be based on a complete, objective and impartial analysis of all relevant elements, including an examination of the authorities' own actions. Where State responsibility is at issue the investigative authorities must be independent from those potentially implicated.
- (d) Making due allowance for the differences in national systems, the Special Rapporteur strongly recommends that States which currently have no possibility for a victim of terrorism or his/her next-of-kin to play an active part in criminal proceedings (other than as witnesses of fact) should give serious and urgent consideration to implementing a system for effective victim participation.
- (e) The victim or the victim's family must in all cases be provided with the information necessary to exercise any rights they may have in domestic law to participate in judicial proceedings. In this connection, (i) States should establish a support service to assist the victim in the process; (ii) legal aid or assistance should be accorded so as to ensure that victims can participate effectively; (iii) provision should be made, where appropriate, for joint legal presentation; (iv) victims and their families should enjoy the right to free interpretation.
- (f) Where a decision is taken not to initiate a criminal prosecution the competent prosecuting authority should give reasons for its decision, and States should allow victims of terrorism the opportunity to challenge the decision before an independent court or tribunal, or other comparable authority.
- (g) Where victims of terrorism have given information to the authorities, or are called upon to provide testimony during a prosecution, their rights to life, physical security and privacy must be fully protected, subject to safeguards to ensure that any protective measures adopted are compatible with the accused

person's right to a fair and public hearing under article 14 of the International Covenant on Civil and Political Rights.

- (h) Criminal proceedings, including the exhaustion of any ordinary appeal procedures, should be conducted with reasonable expedition.
- (i) The right of victims of terrorism to privacy and respect for their family life should be protected against unjustified intrusion by the media. Personal information must also be protected against unnecessary disclosure to the public in the course of judicial proceedings.
- (j) Victims of terrorism have the right to form representative organizations whose rights to freedom of association and expression must be fully guaranteed. Where any restriction is imposed, such organizations should have unimpeded access to an independent and impartial court or tribunal with power to overturn the restriction. In addition, States are under a positive duty to secure the rights of such organizations against reprisals or other forms of unlawful interference by non-State actors.
- (k) Where a public official is directly or indirectly responsible for a violation of the right to life in the context of an act or threatened act of terrorism, the State is already bound as a matter of international law to make reparation to the victim.
- (l) The Special Rapporteur urges all States to recognize an international obligation (already recognized by many States) to provide reparation where death or serious injury results from an act of terrorism committed on their territory. Full and effective reparation should include, as appropriate, restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. Reparation schemes should make provision for financial compensation and a considered programme of medical and social rehabilitation.
- (m) States should actively consider whether to legislate to prohibit the sale or marketing of life insurance policies that contain an exclusion for deaths resulting from acts of terrorism.
- (n) The Special Rapporteur urges States involved in unresolved conflicts in which one or more parties to the conflict are designated as a terrorist organization, and where acts of violence are committed against the civilian population, to make greater use of the United Nations mechanisms for conflict prevention, negotiation, mediation, conciliation, peacekeeping and peacebuilding.

Final Report to the Council by Ben Emmerson, A/HRC/34/61 (21 February 2017)

B. Victims of terrorism

13. The Special Rapporteur welcomes some positive developments on this issue since his 2012 report (A/HRC/20/14), in particular the calls from the Human Rights Council to States to ensure that while countering terrorism any person who alleges that his or her human rights or fundamental freedoms have been violated has access to justice, due process and an effective remedy, and that victims of human rights violations receive adequate, effective and prompt reparations, which

should include, as appropriate, restitution, compensation, rehabilitation and guarantees of non-recurrence.

14. In 2016, the Counter-Terrorism Implementation Task Force organized a high-level conference on the promotion and protection of the human rights of victims of terrorism. This conference, which took place on 11 February and at which the Special Rapporteur was a keynote speaker, made a significant contribution towards fostering a better understanding of the human rights of victims of terrorism and the ways in which States can better protect and support victims. The formulation by the United Nations Office on Drugs and Crime of “good practices in supporting victims of terrorism within the criminal justice framework” and the Madrid Memorandum on Good Practices for Assistance to Victims of Terrorism Immediately after the Attack and in Criminal Proceedings, adopted by the Global Counterterrorism Forum, are further positive steps in this area. Taken together with the Special Rapporteur’s framework principles, these documents provide comprehensive guidance on the rights of victims of terrorism.

15. Serious challenges nonetheless remain. Perhaps the most significant is the continuing opposition of some States and prominent non-governmental organizations (NGOs) to accepting that non-State armed groups are subject to international human rights obligations. In the current global context, many of the gravest and most widespread human rights violations are perpetrated by or on behalf of non-State armed groups. It is time for anachronistic classifications of the subjects of human rights law to be updated to reflect this reality.²

16. No concrete steps have yet been taken to adopt an international instrument enshrining the rights of victims of terrorism. Such an instrument would contribute to a comprehensive and coordinated global counter-terrorism strategy and would ensure that victims of terrorism are not exploited by States for essentially political purposes. An example of this phenomenon is Human Rights Council resolution 31/30, titled “Effects of terrorism on the enjoyment of all human rights”. The resolution was presented as a victim-centred initiative, but many commentators have seen this emphasis as pretextual. As one prominent NGO observed, the resolution “fails to respond to the needs of victims of terrorism, instead instrumentalizing them to weaken the international human rights system that is designed for their protection”.

² [Editorial note, added by ICJ in this compilation] For counter-arguments on this point, see among other sources : ICJ oral statement on the report on victims of terrorism, <https://www.icj.org/wp-content/uploads/2012/11/ICJ-HRC20-statement-victims-of-terrorism.pdf>, Amnesty International public response to the report on victims of terrorism <https://www.amnesty.org/download/Documents/24000/ior400122012en.pdf> (footnote 7), Amnesty International Written Statement on the report on victims of terrorism, UN Doc A/HRC/20/NGO/103 (19 June 2012), and the Special Rapporteur’s First Report to the Commission on Human Rights, E/CN.4/2006/98 (28 December 2005) paras 68-70.

Country Visit: Spain, A/HRC/10/3/Add.2 (16 December 2008)

44. The Spanish authorities have taken a number of legislative and administrative measures in order to properly address, through material, legal and psychological assistance, the situation experienced by victims of terrorism. Such measures are directed at those who have suffered violent attacks carried out by any terrorist organization in Spain, but also at persons who have been victimized as a result of activities conducted in the name of countering terrorism by GAL in the 1980s. Apart from direct economic support to those personally affected by terrorist attacks, the Spanish Government provides financial subsidies amounting to 1 million EUR per year to associations working in this field.

45. The Special Rapporteur notes, as an element of best practice, that the Spanish authorities regard proper consideration for victims of terrorism as an essential element of the whole framework of counter-terrorism. In addition to financial compensation, much significance is given to moral support for victims of terrorism. The Special Rapporteur was informed of, inter alia, annual ceremonies in honour and in memory of the victims of the Madrid bombings in March 2004. Furthermore, persons affected by terrorism have the possibility to follow court proceedings from a separate room at the Audiencia Nacional, thereby avoiding additional victimization through direct contact with the accused.

46. As a possible element of the work with victims of terrorism, the Special Rapporteur also raised the question of building good community relations between victims of terrorism and those strata of society where there might still exist a degree of sympathy towards those resorting to acts of terrorism. While acknowledging in principle the importance of such measures the Spanish authorities, however, expressed the view that the situation, in particular in the Basque country, was highly sensitive as a consequence of the ongoing threat of violent attacks and killings. Mindful of the unavoidable difficulties met by efforts to prevent polarization and to bridge gaps within societies faced with terrorism, the Special Rapporteur recalls that counteracting any breeding grounds for and recruitment to terrorism is essential in the fight against terrorism.

Country Visit: France, A/HRC/40/52/Add.4 (8 May 2019)

20. The Special Rapporteur particularly acknowledges the exceptional work undertaken and refined by France in respect of victims of terrorism and the legal framework supporting legal protection of and compensation to victims. France provides a model of outstanding positive practice in respect of victims of terrorism. Beginning in the 1980s, France has maintained a comprehensive and robust victims' compensation programme. The Guarantee Fund for Victims of Terrorism and Other Offences is a public service provider with a legal personality. It embodies the principle of national solidarity, supports the legal capacities and autonomy of victims and provides responsive measures to meet the immediate and long-term needs of victims. The robustness

of the country's system in respect of victims is enabled by a compulsory levy on property insurance policies. The legal structure and implementing institutions are to be commended for their commitment to compensate all victims regardless of nationality, based on the principle of full reparations. Compensation procedures are generally accessible, transparent and victim-centred. France compensates both direct and indirect victims of terrorism and recognizes both pecuniary and nonpecuniary harms. The Special Rapporteur notes the organizational pressures that multiple attacks with multiple victims have posed in recent years, and the specificity of responding to younger, millennial victims who were disproportionately affected by the Paris attacks of 2015. She encourages innovation and new tactics to address contemporary needs. The Government has taken proactive steps to memorialize and honour the victims of terrorism, providing important symbolic affirmation to the families of those who have lost their lives. Civil society organizations are well organized and included in planning and responding to victims' needs on a regular basis.

Country Visit: Belgium, A/HRC/40/52/Add.5 (27 February 2019)

D. Victims of terrorism

46. On 22 March 2016 thirty-two persons were killed and over 300 were injured and were direct victims of terrorism. Many others were deeply affected by the attacks, including first responders, family members of those killed and injured, and persons caught up in but not physically injured by the attacks (secondary and indirect victims). The federal government has acknowledged the plight of victims in many ways, including through symbolic affirmation as well as legal and administrative reforms.

47. Despite these efforts, the Special Rapporteur finds that the rights and needs of victims still require significant legal and policy attention. Comprehensively addressing the rights of the victims of terrorism represents best practice not just because it assists victims and survivors to rebuild their lives but can also help reduce polarization in society through building national solidarity.³ It is essential that victims of terrorism be provided with legal status and protection of their human rights, including their rights to health, legal assistance, justice, truth and adequate, effective and prompt compensation and other forms of reparation, commemoration and memorialization. Supporting victims of terrorism includes the provision of material, legal, social and psychological assistance. While bringing the Government's attention to the international standards of restitution, compensation, rehabilitation and satisfaction,⁴ the Special

³ United Nations, *Handbook of Good Practices to Support Victims' Associations in Africa and the Middle East* (2018).

⁴ As affirmed in the 1985 UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power; the 2005 Updated Set of principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/2005/102/Add.1); the 2006 UN Basic Principles and Guidelines on the Right to a Remedy and Reparation

Rapporteur voices her concern about ongoing gaps in the framework applicable to victims of terrorism in Belgium. She is deeply concerned about the day-to-day experiences of victims in healthcare, employment, and administrative settings which raise the specter of secondary violations including direct and indirect discrimination.

48. In meetings with victims and survivors, the Special Rapporteur was deeply affected by their reports of a lack of responsiveness to medical, psychological and other needs by the Government in the aftermath of the attacks. Victims felt abandoned and struggled to locate medical and other support while experiencing overwhelming loss, pain and trauma. They faced fragmentation of service provision, discriminations in access to services and support, insufficient training and sensitivity by frontline administrators and service providers, failure of the privatized insurance sector to meet the complexity of victims' needs, as well as stigma and re-traumatization in accessing health, employment and other services. These deficits have been acknowledged by the Government, but the Special Rapporteur finds that victims have continued to struggle to access essential entitlements particularly in respect of health and psycho-social needs.

49. The Special Rapporteur notes that a set of laws relating to victims of terrorism have gone through Parliament. These laws aim to bring improvements in some areas relating to assistance and support to victims of terrorism, including by abrogating provisions discriminating between residents and non-residents in respect of victim status and entitlements, and by extending compensation schemes to include citizens and residents of Belgium who have been victims of terrorist attacks abroad. Amendments aim at improving aid schemes available to victims, formally according the State the right of subrogation in favour of victims in relation to insurance companies and improving the procedure before the Commission for Financial Aid to Victims by setting up a specialized department in charge of terrorism-related matters.

50. Notwithstanding these planned improvements, concerns remain, among others in relation to the high level of complexity of the system, including the unrelentingly cumbersome insurance payment scheme that requires constant negotiation and processes of ongoing evaluation for victims (falling particularly harshly on victims of lesser economic means and those with long-term injuries). Furthermore, a series of other persistent barriers to the realization of victims' human rights exist, including the lack of explicit recognition for PTSD as a direct medical consequence of the terrorist attacks and its reported exclusion from insurance compensation; lack of sufficiently specialized medical and psycho-social expertise readily and equally available to all victims; the lack of consistency in provision for health and psycho-social needs; the provision of "one-stop" information without "one-stop

for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (A/RES/60/147); and the 2005 Council of Europe Guidelines on the Protection of Victims of Terrorist Acts.

services”; and insensitive communications with and a lack of consistent respect for victims in administrative processes by professionals and assessors.

51. The Special Rapporteur welcomes the Government’s commitment to implement the recommendations of the Parliamentary Commission of Enquiry into the 22/3 attacks and emphasizes the need to make victims of terrorism an absolute priority in addressing the consequences of terrorist attacks. This includes but is not limited to regulation of insurance entities with consideration to a national guarantee fund administered by the Government to address the short, medium and long-term financial needs of victims. Other priority legal measures may include differences in inheritance rights between regions, parity of legal aid regimes for victims of terrorism across regions and enabling the standing of victims’ associations as civil party in criminal proceedings. Working with all established victims’ representative organizations will advance this priority. Victims of terrorism bear the deepest hurts and the greatest burdens of terrorist attacks and the Special Rapporteur encourages the greatest efforts to be made on their behalf. The Special Rapporteur is convinced of the broad good will of all political parties to make meaningful reform in this area a priority.

Other Reports

Secretary General's report on activities related to victims of terrorism, A/73/599 (28 November 2018)

4. Since 2006, the threat of terrorism has spread to an increasing number of regions, with a shift towards attacks against softer targets. While today an increasing number of countries are affected by acts of terrorism, the number of victims has largely been concentrated in a small number of Member States. According to the 2017 Global Terrorism Index published by the Institute for Economics and Peace, Afghanistan, Iraq, Nigeria, Pakistan and the Syrian Arab Republic have accounted for three quarters of all deaths from acts of terrorism since 2013. Meeting the needs and protecting and promoting the rights of victims has become increasingly challenging as terrorists exploit conflict zones and ungoverned territories, seeking to exert control over regions that already suffer from a lack of stability and the absence of the rule of law.

5. The impact of terrorism is most starkly felt at the individual level: terrorist attacks cause death and injury through the use of improvised explosive devices, suicide attacks and, in the most rudimentary fashion, using vehicles, guns and bladed weapons. Many attacks occur in places with a heavy civilian presence, resulting in maximum casualties and instilling widespread fear. Such acts also have a ripple effect on the economic and social rights of the families of victims and survivors, leading to the further marginalization of vulnerable groups and separating communities.

6. Victims of terrorism continue to struggle to have their voices heard and their needs met. Their rights have seldomly been upheld, in particular in countries where terrorism has had an adverse effect on State institutions, where basic social services and criminal justice institutions are weak or undermined and where national leaders and key actors are preoccupied in handling the terrorist threat rather than focusing on the victims.

7. The primary responsibility for supporting victims of terrorism and upholding their rights rests with Member States. The United Nations has an important role in supporting Member States in the implementation of pillars I and IV of the United Nations Global Counter-Terrorism Strategy by standing in solidarity with, and providing support to, victims of terrorism and upholding human rights and the rule of law in all counter-terrorism efforts. United Nations entities carry out this mandate to assist Member States by: providing capacity-building and other forms of technical assistance; encouraging their efforts to promote, protect and respect the rights of victims; establishing associations and networks of victims of terrorism; and offering support through coordination with civil society organizations and other actors on the ground.

Secretary General's report on Protecting and promoting human rights while countering terrorism, A/72/13 (11 August 2017)

B. Ensuring respect for the human rights of victims

22. Member States have highlighted the importance of ensuring respect for the human rights of victims of terrorism to reparation, truth and justice, as well as their right to live free from fear and be provided with the support they require. The General Assembly, in its resolution 70/291, expressed its profound solidarity with victims and their families and encouraged Member States to provide them with proper support and assistance; and, the Human Rights Council, in its resolution 35/34, underscored that protecting the rights of victims of terrorism required providing them with proper support and assistance, while respecting, inter alia, considerations regarding remembrance, dignity, respect, accountability, justice and truth, in accordance with international law.

23. The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34, annex) outlines the minimum standards for the fair treatment of victims according to the basic principles of justice. Victims should be treated with compassion and respect for their dignity; be informed of their rights in seeking redress; have their views and concerns presented in legal proceedings; receive proper assistance throughout the legal process; be protected against intimidation and retaliation; have their privacy protected; be offered the opportunity to participate in informal mechanisms for the resolution of disputes, including mediation; enjoy restitution and compensation, as appropriate; and receive the necessary material, medical, psychological and social assistance. Those elements are crucial to ensuring respect for their dignity, whether the abuse to which they have been subjected is at the hands of a State or non-State actor.

24. The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (General Assembly resolution 60/147, annex) also underscore that victims should be treated with humanity and respect for their dignity and human rights, and emphasize that appropriate measures should be taken to protect their safety, physical and psychological well-being and privacy, as well as those of their families.

25. States should consider sharing lessons learned and good practices in this regard, including with respect to national legislation, compensation, rehabilitation and assistance schemes and studies in order to better protect and promote the human rights of victims. In February 2016, the United Nations Counter-Terrorism Centre, under the auspices of the Task Force Working Group on Supporting and Highlighting Victims of Terrorism, organized a high-level conference to examine how States

could strengthen their national legislation, procedures and practices to better respect the human rights of victims of terrorism, drawing upon the framework principles for securing the human rights of victims of terrorism, developed by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. The Task Force Working Group on Promoting and Protecting Human Rights and the Rule of Law while Countering Terrorism has highlighted the need for States to establish national systems of assistance to promote the needs of victims of terrorism and their families, stressing that victims of terrorism who have suffered violations of their rights are entitled to material, legal and psychological assistance.

OHCHR summary of the 1 June 2011 Human Rights Council panel discussion on the issue of human rights of victims of terrorism, A/HRC/19/38 (7 December 2011)

(see report at <https://undocs.org/A/HRC/19/38>)

High Commissioner's report on Negative effects of terrorism on enjoyment of human rights and fundamental freedoms, A/HRC/34/30 (30 December 2016)

B. Ensuring respect for the human rights of victims

48. In its 2016 review of the United Nations Global Counter-Terrorism Strategy, the General Assembly deeply deplored the suffering caused by terrorism in all its forms and manifestations to the victims and to their families. It expressed its profound solidarity with them and encouraged Member States to provide them with proper support and assistance while taking into account, *inter alia*, when appropriate, considerations regarding remembrance, dignity, respect, justice and truth, in accordance with international law.⁵ In their contributions to the present report, several States referred to the human rights of victims, including the importance of victim support and protection as provided for in Constitutions, national laws and regional directives.

49. The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power defines “victims” as:

‘persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power.’⁶

⁵ See UNGA resolution 70/291, para 24.

⁶ UNGA resolution 40/34, annex, para 1.

A person may be considered a victim “regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim”. The term “victim” may also include “the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization”.⁷

50. The Declaration outlines the minimum standards for the fair treatment of victims according to the basic principles of justice. Victims should be treated with compassion and respect for their dignity; be informed of their rights in seeking redress; have their views and concerns presented in legal proceedings; receive proper assistance throughout the legal process; be protected against intimidation and retaliation; have their privacy protected; be offered the opportunity to participate in informal mechanisms for the resolution of disputes, including mediation; enjoy restitution and compensation, as appropriate; and receive the necessary material, medical, psychological and social assistance.

51. Furthermore, the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law underscore the need for victims to be treated with humanity and respect for their dignity and their human rights, and emphasize that appropriate measures should be taken to protect their safety, physical and psychological well-being and privacy, as well as those of their families. The remedies to be made available to victims of violations of international human rights and humanitarian law are also outlined. These include the victim’s right to equal and effective access to justice, effective and prompt reparation for harm suffered, and access to relevant information concerning the violations and reparation mechanisms. More specifically, the Basic Principles and Guidelines outline States’ obligations to provide reparation to victims for acts or omissions that may be attributed to the State and that constitute gross violations of international human rights law or serious violations of international humanitarian law. Furthermore, States should endeavour to establish national programmes for reparation and other assistance to victims, if the parties liable for the harm suffered are unable or unwilling to meet their obligations.⁸

52. In her opening statement to a Human Rights Council panel discussion, held on 1 June 2011, the former High Commissioner for Human Rights highlighted that victims of terrorist acts required immediate assistance and long-term medical and psychosocial support, as well as financial aid. She emphasized that victims of terrorist acts should be provided with information, in a timely, truthful and transparent manner, about the facts and circumstances of the terrorist act and any ensuing investigations and judicial proceedings. Victims

⁷ *Ibid*, para 2.

⁸ UNGA resolution 60/147, annex, para. 16.

should be given the opportunity to effectively participate in judicial proceedings and other mechanisms with the appropriate protection against intimidation, retaliation and arbitrary interference with their right to privacy. Victims should also be provided with equal access to justice and appropriate assistance throughout the legal proceedings.⁹

53. Wherever there is credible evidence to suggest that there have been violations of human rights in the context of counter-terrorism, States must conduct prompt, independent, impartial and thorough investigations. Where these investigations result in establishing that a violation has occurred, victims must be afforded effective redress, including payment of compensation to individuals who have been denied due process, particularly in cases of excessive pretrial detention, which would also prevent the fostering of resentment among aggrieved individuals and their families as a result of unfair or even illegal practices. In addition to providing a concrete form of remedy, payment of compensation could also serve as an investment in future stability by recognizing State fault.

54. Alongside such payments, care should also be taken to ensure that necessary legal reforms to avoid repeat cases of breaches of due process are also implemented in a timely fashion and seen as an essential element of the guarantee of non-recurrence. Oversight processes, adequate checks and balances, and effective complaints mechanisms are essential to ensuring that the use of counter-terrorism powers is narrowly and appropriately tailored to achieve specific ends and is not deployed in an over-broad or oppressive fashion. While non-judicial mechanisms may have potential value, there should always be the possibility for victims to have recourse to judicial remedies.¹⁰

IV. Conclusions and recommendations

...

58. The human rights of victims of terrorism need to be respected, including their rights to reparation, truth and justice as well as their right to live free from fear and be provided with the support they require. Victims need immediate assistance but also long-term medical and psychosocial support, as well as financial support to compensate the destruction of their property or loss of their livelihood and jobs. Victims should be provided with equal access to justice and an effective remedy, through which they can benefit from adequate and prompt reparation for the harm suffered. With regard to alleged human rights violations in the counter-terrorism context, States must conduct prompt, independent, impartial and thorough investigations. If it is established that a violation has occurred, victims must be afforded effective redress, including payment of compensation to individuals who have been denied due process.

⁹ See A/HRC/19/38, para 4.

¹⁰ See A/HRC/22/26, paras 47-49.

V. Conclusions and recommendations

67. The full range of the impacts of terrorism and counter-terrorism on children cannot be addressed in a single report. In addition to the harms examined in the present report, terrorist groups may engage in trafficking, hostage-taking for ransom, harmful traditional practices and other forms of exploitation and abuse of children. Children whose caregivers are accused of terrorist crimes or traumatized by terrorist violence face particular risks. In all cases, international human rights law provides an essential framework for identifying, implementing and evaluating the most effective interventions to protect children and gender considerations should be integrated at all levels.

68. Children have been largely ignored in the counter-terrorism discourse. There is a need for further research on the short- and long-term impacts of terrorism on children and the drivers of terrorist exploitation of children. Counter-terrorism policies and programmes should, however, be grounded in the available empirical evidence, rather than untested theories, such as the narrative of radicalization.

69. States have different legal obligations towards children who are direct victims or witnesses of a terrorist attack, children at risk of association and children associated with terrorist groups. However, children in all of those categories are victims of terrorism. States should ensure that their laws, policies and practices recognise the primary status of children as victims, incorporate the best interests of the child as a primary consideration, ensure the protection of children and fully respect their right to express their views in all matters affecting them.

70. States should ensure that reparation programmes for victims and witnesses of terrorist acts are age- and gender-sensitive. Child victims and witnesses should have access as early as possible to any necessary rehabilitative health care based on their individual needs, including psychosocial and sexual and reproductive health-care services. Reparation programmes should account for the fact that the impact of terrorism on child victims and witnesses may include lost opportunities and ensure that the children affected have access to special educational programmes and skills training. Caregivers of child victims and witnesses should also have access to appropriate support.

Report of UN Conference on Human Rights of Victims of Terrorism (2016)

[The UN CTC and CTITF Working Group on Supporting and Highlighting Victims of Terrorism, in collaboration with the Special Rapporteur, hosted a global conference on the human rights of victims of terrorism, with the aim of contributing to policy and legal

developments in this area.¹¹ The conference, held 11 February 2016, was guided by the. The conference was organized into four major thematic areas: (I) Obligations of national authorities to prevent and respond to terrorist acts, (II) Rights of victims of terrorism within the criminal justice process, (III) Reparation to victims of terrorism for acts of terrorism, (IV) The role of victims in preventing violent extremism. The conference put forward 14 recommendations for Member States to uphold their international obligations, based on Special Rapporteur's *Framework Principles for securing the human rights of victims of terrorism*.]

Global

1. Accord victims of terrorism special status, preferably through an international instrument, that recognises their needs and rights.
2. Support associations of victims of terrorism, including through supporting women victims associations, to ensure their full participation in international, regional and national efforts to prevent the spread of violent extremism and to ensure their rights and voices are respected.
3. Develop good practices in supporting victims of terrorism in the criminal justice process and share them with States, regional, and international organisations.
4. Establish mechanisms for compensation and restitution to help victims of terrorism in the short, medium and long term, including access to basic social needs, employment, etc.
5. Support should be provided to States who do not have fully functioning structures in place to establish appropriate reparation systems, including the establishment of proper, fully functioning, well-resourced rehabilitation programmes.

Regional

6. Develop guidelines to support victims of terrorism who wish to be part of the counternarrative to ensure that their safety and recovery are not undermined.
7. Develop and strengthen, through training and capacity building assistance, the counternarrative messaging skills of victims and to develop effective long-term communication strategies in this area.
8. Undertake research involving victims of terrorism, civil society groups, and NGOs that support victims of terrorism, to compile data on specific victims' needs, especially taking into account the needs of women and girls, and in particular victims of sexual violence by terrorist groups, in order to develop and establish restitution mechanisms and formulate proper policy recommendations that are relevant to their needs over the short, medium and long term.

National

9. Recognise and mainstream victims' rights into States' counter-terrorism measures and ensure that all efforts and approaches of Member States to this effect remain centred on victims.
10. Develop and establish resource kits for communities impacted by terrorism and violent extremism that include information on how to deal with terrorist attacks

¹¹ Full report:

https://www.un.org/counterterrorism/ctitf/sites/www.un.org.counterterrorism.ctitf/files/FINAL%20Report%20of%20the%20Conference_0.pdf.

as well as provide guidance on good practices to communities on establishing resilient measures after a terrorist attack.

11. Provide all forms of protection, including physical and psychological, by Member States to victims of terrorism and witnesses when testifying during trial proceedings.
12. Ensure that there are independent, prompt, impartial and effective investigations by States into all acts of terrorism with the full participation of victims of terrorism in all stages of the criminal justice process.

UNODC, The Criminal Justice Response to Support Victims of Acts of Terrorism (2012)

The handbook provides an overview of international and regional declarations and legislation related to addressing the needs of victims of terrorism or other serious crimes in criminal justice proceedings, and gives guidance on:

- Incorporation of rights of victims of acts of terrorism in the criminal justice system at the national level, particularly:
 - Recognition of the status of victims within the criminal justice system;
 - Access to justice for victims of acts of terrorism;
 - Protection during criminal proceedings;
 - Integral Reparation.
- Improving the criminal justice system's response to support victims of acts of terrorism.

https://www.unodc.org/documents/terrorism/Publications/Support_to_victims_of_terrorism/revised_edition_21_May_2012_12-53652_Ebook.pdf

UNODC, Good Practices in supporting victims of terrorism within the Criminal Justice Framework (2015)

[Pursuant to GA Res 68/187 of 18 December 2013, the UNODC hosted an expert meeting, 24 – 25 November 2014, and subsequently issued the publication [*Good Practices in Supporting Victims of Terrorism within the Criminal Justice Framework*](#).

Among the “good practices” set out in the document are the following:]

Legal framework, institutional capacity and coordination.

- States should develop, in consultation with victims, civil society, victims' associations and relevant experts, government strategies, policies and legislation for providing effective responses to support victims of terrorism within the criminal justice framework.
- States should establish victim support specialists, focal points or liaison persons within criminal justice agencies.
- States should establish procedures and practices, such as for identifying the immediate actions to be taken and designating the agencies to take charge of each intervention, to be followed by law enforcement and

criminal justice agencies when responding to acts of terrorism, particularly with regard to potential victims.

- The use of multidisciplinary crisis response teams can help promote a victim-centred approach. States should be prepared, from a wide professional perspective, to deal with the needs of victims and their families immediately after a terrorist attack.
- States should ensure that victims, in accordance with their needs, have access to confidential victim support services free of charge, before, during and for an appropriate time after criminal proceedings.
- Victims of terrorism should be provided, free of charge, access to translation or interpretation services necessary for effective interaction with responsible agencies from another State.

Assistance and support for victims of terrorism during criminal investigations and prosecutions.

The need for a victim-centred approach to the investigation and prosecution of acts of terrorism.

- States should ensure that victim support professionals are assigned to victims at an early stage of the investigation to inform them of all available support services, identify their needs and, if necessary, facilitate referrals or initial contact with service providers.
- States should ensure that investigators, prosecutors and other specialists (e.g., medical practitioners) limit, as much as possible, the number of interviews with victims and the number of medical examinations undergone by victims.
- States should ensure that prosecutors trained in dealing with victims of terrorism are included in multidisciplinary teams, in which all members have been vetted for security purposes, to work with investigators, in order to increase the likelihood of successful prosecution outcomes and improved outcomes for victims.
- States should ensure that trained victim and witness coordinators or advocates serve as the primary contact point for victims, in order to answer victims' questions and provide information pertaining to the case, or to arrange referrals to support services.
- States should ensure that investigators, prosecutors and any other professionals dealing with victims receive specific victim-sensitive training on the needs of victims, strategies for appropriately dealing with them and the need to prevent secondary victimization.

Access to justice, legal advice, representation and participation.

- States should establish mechanisms for the early identification and registration of, and contact with, victims in a manner consistent with international law and national data protection laws.
- States should ensure that criminal investigations into alleged acts of terrorism are commenced promptly and carried out expeditiously, thoroughly and in a manner that ensures public accountability. Victims

should be provided with accurate and timely information pertaining to the investigation and its likely outcomes.

- States should ensure that victims are promptly informed of their right to access to justice, the avenues available to them and related services (e.g., interpretation, legal advice). Such services should be provided at no cost to the victim.
- States should ensure that criminal proceedings, including appeals, are conducted expeditiously.
- States should ensure that victims are contacted and provided with updated and detailed information prior to and during the criminal proceedings.
- Victim safety is paramount. Risks to the safety of victims should be assessed throughout the investigation and prosecution, and, where necessary, States should take measures to protect victims during their participation in the criminal justice system.
- Where victims are required or wish to attend court hearings, States should take measures to prevent or reduce the risk of their having personal contact with defendants and their families or supporters.
- Where necessary, States should provide interpretation of court proceedings at no cost to victims or their next of kin.
- States should ensure that, under national laws, victims have a clear legal right to participate actively in criminal proceedings. Such a right may entail their being separately represented or having their interests fully considered and represented in court by the prosecutor.
- In States where the direct participation of victims is not foreseen, existing mechanisms for their representation within the national prosecuting authority and legal system may be available or considered.
- States should develop a procedure in their own national laws or criminal procedural codes whereby victims are entitled to ask for a review of a decision not to prosecute.
- Victims or their next of kin should be provided with legal aid at no cost to facilitate their representation in court proceedings.

Information, personal privacy and dealing with the media.

- States should ensure that victims have the right to protection from unreasonable intrusions into their personal privacy by the media or public.
- States should provide remedies for victims against the media for breaches of privacy, when necessary, through cessation, rectification actions or sanctions.
- States should encourage the media to adopt self-regulatory measures to ensure victim-sensitive coverage (e.g., media guidelines or standards developed by the industry in consultation with the Government, civil society and victim support professionals).
- States should involve the media in other specific tasks aimed at raising awareness of the vulnerability of victims, their needs and the potential risk of secondary victimization.

- States should ensure that victims are provided with information when dealing with the media.
- States should ensure that officials dealing with or providing information to victims are given specific training on victim-sensitive approaches.

Restitution, reparation and financial compensation.

- States should ensure that victims have the right to timely and fair restitution, reparation and compensation.
- States should ensure that judges are under a mandatory obligation to order a report on the financial means of a defendant after a criminal conviction, and that they have the right to make an order for reparation or restitution to the victims.
- States should ensure that financial intelligence units and investigators are trained on the need to investigate, trace and present to judges reports on the defendant's financial means and ability to pay restitution or reparation.
- States should consider providing forms of indirect financial assistance to victims (e.g., free or subsidized education, medical care or housing assistance; employment training and opportunities; and tax reductions).
- States should consider establishing national victims' funds, resourced by proceeds derived from assets seized in accordance with legislative provisions from persons convicted of serious crimes related to terrorism or legal entities that have been restrained and forfeited, having been found civilly liable for financing terrorist activities.
- States should consider other means of resourcing a publicly administered fund for victims of terrorism (e.g., levies on life insurance policies or fines assessed or imposed by the courts when sentencing for criminal convictions).
- States should consider prohibiting the sale or marketing of life insurance policies that exclude coverage for acts of terrorism.
- States should ensure that victims receive equal treatment in their status as beneficiaries of a compensation scheme, according to the harm suffered, regardless of their individual circumstances and nationality.

The role of victims' associations and civil society.

- States should work closely with civil society organizations, including recognized and active non-governmental organizations working with victims of crime, in particular in policymaking initiatives, information and awareness-raising campaigns, research and education programmes, and training, as well as in monitoring and evaluating the impact of measures to support and protect victims of terrorism.
- States should promote and support civil society and non-governmental organizations involved in providing support to victims of terrorism within the criminal justice system.
- In order to increase transparency, States should review the basis and implementation of grants awarded to non-governmental organizations

providing support to victims, in order to monitor and evaluate the technical quality of the support offered, as well as to enhance mutual collaboration, coordination and communication between Governments and non-governmental actors.

- States should encourage government agencies to coordinate with suitable civil society and non-governmental organizations in order to improve the coordination and delivery of justice-related services to support victims of terrorism.
- States should support the actions of victims' associations and civil society to highlight the human cost of terrorism, for example through public displays.

International Cooperation.

- States should have measures in place to ensure that victims of terrorism who are foreign nationals have the same entitlements to assistance and support as local nationals and can access all relevant support services.
- When facilitating international cooperation requests, States should pay due regard to the status, role and rights of victims of terrorism, including those who are foreign nationals, within the criminal justice framework.
- States should ensure that their embassies, consulates and other international diplomatic posts are able to provide effective assistance and support to their nationals who might become victims of terrorism abroad, and have the capacity to cooperate with key government and private sector counterparts and actors.

Global Counterterrorism Forum, Madrid Memorandum on Good Practices for Assistance to Victims of Terrorism Immediately After the Attack and in Criminal Proceedings (2013).

[The Global Counterterrorism Forum (GCTF) is an international Forum of 29 countries and the European Union, independent of the UN. The Madrid Memorandum was drafted by Spain and refined by experts from other member States. It has been referred to by subsequent UNODC and other publications. The full memorandum contains additional guidance.]

A. General Approach

Good Practice 1: Ensure effective and appropriate coordination among concerned bodies responsible for the provision of direct assistance to victims and their families.

Good Practice 2: Encourage State actions that are focused on victim needs and consistent with a set of guidelines.

Good Practice 3: Enact a legal framework for provision of victim services and rights.

Good Practice 3b: States may also consider providing financial assistance and other forms of reparation, including financial compensation, for victims of terrorism.

Good Practice 3c: States may consider, on request, technical as well as financial support to states dealing with the challenges of providing multi-disciplinary assistance to victims of terrorism.

B. Actions Immediately after the Terrorist Attack

Good Practice 4: Develop a multidisciplinary crisis response team that includes victim assistance professionals.

Good Practice 5: Develop a victim list containing identity and contact information.

Good Practice 6: Protect victims' privacy and confidentiality.

Good Practice 7: Establish accessible crisis services.

Good Practice 8: Provide information about and support in dealing with the media.

C. Actions during the criminal justice process

Good Practice 9: Protect victims in counterterrorism investigations and criminal proceedings.

Good Practice 10: Coordinate assistance to victims.

Good Practice 11: Provide victims with access to justice, including legal aid at no cost, as well as information, as appropriate, about the criminal justice process and the case.

Good Practice 12: Provide victims, when appropriate and in accordance with the relevant national law, with the opportunity to meet directly with the lawyers prosecuting the case.

Good Practice 13: Provide victims with the opportunity to attend court proceedings and, as appropriate, to be accompanied by a victim services professional.

Good Practice 14: Enable participation by victims at appropriate stages of criminal proceedings.

Good Practice 15: Prevent secondary and repeat victimization within the criminal justice process by providing sensitivity training to judges and other participants in the criminal justice system.

Good Practice 16: Provide victims timely, accurate, and complete information about rulings, verdicts, appeals, and the availability of compensation programs.

Good Practice 17: Provide victims with appropriate information when no court hearings are held.

Regional Materials

Council of Europe, Revised Guidelines on the protection of victims of terrorist acts (19 May 2017)

- [c] Recognising the suffering endured by the victims of terrorist acts and their close family and considering that these persons must be shown national and international solidarity and support;
- ...
- [g] Underlining that the effects of terrorism on victims and their close family members require at national level the implementation 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, including, in an appropriate way, the societal recognition of the suffering of victims and the maintenance of the duty of remembrance;
- [h] Recalling the Guidelines on the Protection of Victims of Terrorist Acts, adopted on 2nd March 2005 at the 917th meeting of the Ministers' Deputies and wishing to revise them as a response to all forms of terrorism;
- [i] Recalling the United Nations Office on Drugs and Crime handbook of 2012 The Criminal Justice Response to Support Victims of Acts of Terrorism;
- [j] Recognising the important role of associations for the protection of victims;
- ...
- [l] Adopts the following revised Guidelines on the protection of victims of terrorist acts which shall replace the ones adopted on the same subject-matter on 2 March 2005, and invites member States to use them as a practical tool in order to address the above challenges in the light of all forms of terrorism and towards ensuring better protection of human rights and fundamental freedoms;
- [m] Invites the governments of the member States to ensure that the revised guidelines are widely translated and disseminated among all authorities responsible for the fight against terrorism and for the protection of the victims, as well as among representatives of civil society.

I. Purpose of the Guidelines on the protection of victims of terrorist acts

The present Guidelines aim at recalling the measures to be taken by the member States in order to support and protect the fundamental rights of any person who has suffered direct physical or psychological harm as a result of a terrorist act, and, in appropriate circumstances, of their close family. These persons are considered victims for the purposes of these Guidelines.

II. Principles

1. States should have an appropriate legal and administrative framework including suitable internal structures, in order for victims of terrorist acts

(hereafter “the victims”) to benefit from the services and measures prescribed by these Guidelines.

2. The granting of these services and measures should exclude all forms of arbitrariness, as well as any discriminatory treatment and should not depend on the identification, arrest, prosecution or conviction of the perpetrator of the terrorist act.
3. States must respect the dignity and the private and family life of victims.

III. Emergency assistance

In order to cover the immediate needs of victims, States should ensure that appropriate (medical, psychological, social and material) emergency assistance is available free of charge to them; they should also facilitate access to spiritual assistance for victims at their request.

IV. Information

1. States should give information to victims relating to the act from which they have suffered, except where victims indicate that they do not wish to receive such information.
2. For this purpose, States should:
 - a. set up appropriate information contact points for the victims, concerning in particular their rights, the existence of support bodies, and the possibility of obtaining assistance, practical and legal advice as well as redress or compensation;
 - b. ensure that victims are provided with appropriate information in particular about the investigations, the final decision concerning prosecution, the date and place of the hearings, any opportunity in that context to introduce an action for damages, and the conditions under which they may acquaint themselves with the decisions handed down.

V. Continuing assistance

1. States should provide for appropriate continuing medical, psychological, social and material assistance for victims. This assistance should ensure that victims are able, as far as is practicable, to resume the normal course of their activities and lives which they enjoyed before the terrorist act.
2. If the victim does not normally reside on the territory of the State where the terrorist act occurred, that State should co-operate with the State of residence in ensuring that the victim receives such assistance.

VI. Investigation and prosecution

1. States must effectively investigate terrorist acts without delay, particularly where there have been victims.

2. In this framework, special attention should be paid to victims without it being necessary for them to have made a formal complaint.
3. States should ensure that their investigators receive specific victim-sensitive training on the needs of victims.
4. States should, in accordance with their national legislation, strive to bring individuals suspected of terrorist acts to justice and obtain a decision from a competent, independent and impartial tribunal within a reasonable time.
5. In cases where, as a result of an investigation, it is decided not to take action to prosecute a suspected perpetrator of a terrorist act, States should ensure that victims are able to ask for a review of this decision by a competent authority.
6. States should ensure that the position of victims is adequately recognised in criminal proceedings.

VII. Effective access to the law and to justice

States must provide effective access to the law and to justice for victims by providing the right of access to competent courts in order to bring a civil action in support of their rights, including legal assistance and interpretation as required to this end.

VIII. Compensation

1. Victims should receive fair, appropriate and timely compensation for the damages which they suffered. When compensation is not available from other sources, in particular through the confiscation of the property of the perpetrators, organisers and sponsors of terrorist acts, the State on the territory of which the terrorist act happened should contribute to the compensation of victims for direct physical or psychological harm, irrespective of their nationality. To this end States could consider the creation of specific funds, if they do not already exist.
2. Compensation should be easily accessible to victims, irrespective of nationality. To this end, the State on the territory of which the terrorist act took place should introduce a mechanism allowing for fair and appropriate compensation, after a simple procedure and within a reasonable time.
3. States whose nationals are victims of a terrorist act on the territory of another State should also encourage administrative co-operation with the competent authorities of that State to facilitate access to compensation for their nationals.
4. Apart from the payment of pecuniary compensation, States are encouraged to consider, depending on the circumstances, taking other measures to mitigate the harmful consequences of the terrorist act suffered by the victims.

IX. Protection of private and family life

1. States should take appropriate steps to avoid as far as possible undermining respect for the private and family life of victims, in particular when carrying out investigations or providing assistance after the terrorist act as well as within the framework of proceedings initiated by victims.
2. States should, where appropriate, and in full compliance with the principle of freedom of expression, encourage the media and journalists to adopt self-regulatory measures in order to ensure the protection of the private and family life of victims in the framework of their information and awareness-raising activities.
3. States must ensure that victims have an effective remedy where they raise an arguable claim that their right to respect for their private and family life has been violated.

X. Protection of dignity and security

1. At all stages of the proceedings, victims should be treated in a manner which gives due consideration to their personal situation, their rights and their dignity.
2. States must ensure the protection and security of victims and take measures, where appropriate, to protect their identity, in particular where they appear as witnesses.

XI. Specific training for persons working with victims

States should encourage specific training for persons working with victims, and grant the necessary resources to that effect.

XII. Raising public awareness and involving victims

States are encouraged to:

- a. take measures, in an appropriate way, in order to attain societal recognition and remembrance of victims;
- b. facilitate the involvement of representatives of the victims of terrorist acts in raising public awareness.

African Commission on Human and Peoples' Rights: Guidelines on HR while countering terrorism in Africa (2015)

1(F). **Obligation to Provide Reparation:** States shall provide full and effective reparation to individuals who have suffered physical or other damage or who have suffered violations of their human rights as a result of an act of terrorism or acts committed in the name of countering terrorism. Full and effective reparation should include, where applicable and in light of the damages,

restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. To facilitate this responsibility, States are encouraged to, in accordance with regional and international human rights standards, establish a funding mechanism to compensate victims of terrorist acts. (See, Principle 10(D), Definition of Terrorism Victim.)

10(B): Protection by the State: States shall ensure that witnesses and victims of terrorism and counterterrorism-related human rights abuses; others who provide information to authorities; those conducting any investigation into human rights abuses; judicial officers; journalists and media practitioners; other human rights defenders; and their family members, in particular women and children, are protected from violence, threats of violence, or any other form of intimidation or reprisal from a State agent, suspected terrorist or terrorist group, or other private individual. Where victims of terrorism or counterterrorism-related harm have provided information to the authorities, or are called upon to provide testimony during legal proceedings, their rights to life, physical security, and privacy must be fully protected, subject to safeguards to ensure that any protective measures adopted are compatible with the accused person's right to a fair and public hearing. This may require States to institute robust systems for witness protection

10(C). Duties to Victims: States shall, in addition to their other duties to victims set out in these Principles and Guidelines, seek out justice for the victims of terrorism through effective official investigations whenever individuals have been killed or seriously injured as the direct or indirect result of an act of terrorism, with a view to securing accountability and learning lessons for the future. States shall also ensure that victims of terrorism have the right to form representative organizations whose rights to freedom of association and expression must be fully guaranteed.

10(D). Definition of Terrorism Victim: The following persons are to be considered as victims of terrorism: (a) individuals who have been killed or suffered serious physical or psychological injury through the commission of an act of terrorism (direct victims); (b) the next-of-kin or dependants of a direct victim (secondary victims); (c) innocent individuals who have been killed or suffered serious injury indirectly attributable to an act of terrorism (indirect victims); and (d) potential future victims of terrorism.

UN Counter-terrorism Centre (UNCCT), Good Practices to support victims organizations in Africa & Middle East (2018)

The UNCCT published the [*Handbook of Good Practices to Support Victims' Associations in Africa and the Middle East*](#) in 2018. The handbook is based on the experiences of a range of civil society and victims' support organizations in Africa and the Middle East, organized into four major thematic areas: (I) Building and sustaining resilience at the individual and community level, (II) Financial and non-financial assistance to victims of terrorism, (III) Outreach and advocacy to better support victims' rights, (IV) Raising victims' voices in preventing violent extremism.