

# Victim Support Europe Contribution

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**EVALUATION ROADMAP OF DIRECTIVE (EU) 2017/541 ON  
COMBATING TERRORISM**

## About Victim Support Europe

Victim Support Europe (VSE) is the leading European umbrella organisation advocating on behalf of all victims of crime, no matter what the crime, no matter who the victim is. VSE represents 61 member organisations, providing support and information services to more than 2 million people affected by crime every year in 30 countries.

Founded in 1990, VSE has been working for almost 30 years for a Europe, and a world, where all victims have strong victims' rights and services, whether they report the crime or not. We work towards this mission through advocacy to improve European and international laws, through research and knowledge development and through capacity building at the national and local level.

## Introduction

VSE has increasingly developed specialist knowledge in the field of victims of terrorism. Following the Paris attacks in 2015, VSE carried out a range of activities to ensure that policies, laws and services at the national, European and international level meet the needs of victims of terrorism.

VSE established the Terrorism Response Network, that stands ready to assist in connecting victims to support services and provide expert advice in the aftermath of a terrorist attack. It has responded to all large-scale attacks in Europe and involving European citizens since 2015, including attacks in France, Germany, Spain, UK, Sweden, Finland, Russia, Turkey, USA, Bangladesh, New Zealand and Sri Lanka. Since January 2020, VSE is also leading the consortium that is executing the tasks of EU Centre of Expertise for Victims of Terrorism (EUCVT), which is run by the European Commission.

VSE continues to push for a coherent and specialised EU policy and legal framework for victims of terrorism. In this respect, VSE welcomes the Commission's Strategy on victims' rights, which duly recognises the vulnerability of victims of terrorism and the need to ensure the necessary support, protection and recognition of these victims, particularly in cross-border situations.<sup>1</sup>

In what follows, VSE raises in brief a number of issues that the Commission should take into account in undertaking the evaluation to assess the added value of the Combating Terrorism Directive, in particular on the level of protection and assistance provided to victims of terrorism.

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<sup>1</sup> European Commission (2020), EU Strategy on victims' rights 2020-2025, para. 4, p. 11.

## 1. Understanding the implementation of laws and drivers of problems

To properly assess the efficiency and effectiveness of terrorism legislation from the perspective of victims, it is essential to fully understand and properly identify a number of issues:

- **The objectives of the laws as driven by the needs of victims**, in particular the problems they face following a terrorist attack. As already recognised in the EU Victims Directive, this relates primarily to the need for recognition, respectful treatment, protection from re-victimisation, intimidation and secondary victimisation, support, justice and compensation/ restoration.
- **The problems faced by victims** following an attack and in the response of authorities and organisations.
- the **challenges faced by governments** in carrying out victim centric responses and the drivers for those problems – and therefore in implementation the Directive

Having this in mind, VSE recommends that any Evaluation takes into account not only the identified objectives of the Directive, from a victim perspective, but whether those objectives in themselves sufficiently address needs and problems faced.

With respect to the problems and challenges faced in responding to an attack, it is only by having full, detailed and accurate information of the situation on the ground, backed by data from a wide stakeholder base, that these problems can be identified and understood.

Importantly, the reasons for these problems must be assessed. In particular, it should be determined if failures are due to:

- a lack of implementation of EU law – in national legislation and in practical application;
- misunderstandings in the law and a lack of understanding on how to implement;
- gaps in EU legal obligations on Member States;
- lack of details in the laws; and
- insufficient strength of obligations imposed on States

By way of example of some of the issues, it appears Member States would greatly benefit from more guidance on how to properly organise assistance and support for victims of terrorism in the aftermath of a terrorist attack, such as the use of victim reception centres. Victim reception centres are established in the immediate aftermath of the attack to receive direct victims and family members. They act as a one-stop-shop where all those affected can get updated information, practical assistance and support as required. Such centres further facilitate the registration of all victims. In France, the establishment of such centres is common practice after a terrorist attack. Yet, most Member States do not appear to have clear, well established plans for the setup of such centres in the event of an attack.

Recent attacks in Europe and beyond have further highlighted the increasing scope of issues that should be addressed in EU legislation. When terrorist attacks occur, their aftermath impacts not only

direct victims and their family members, but also local communities, first responders and the society as a whole.<sup>2</sup> VSE believes that these different circles of impact should be reflected on to offer comprehensive assistance and support to all those affected in the aftermath of a terrorist attack.<sup>3</sup>

### **Assessing the practical implementation of the Combating Terrorism Directive**

The Commission has already carried out a conformity check to examine the extent to which Member States have taken the necessary measures to comply with Combating Terrorism Directive<sup>4</sup> In the Evaluation roadmap, the Commission indicates that this Report will be taken into consideration for the evaluation of the Combating Terrorism Directive. This will be combined with public and stakeholder consultation as well as the input of the FRA.

VSE would highlight that based on its wide engagement with victims of terrorism and organisations supporting such victims, a range of concerns exist with respect to victims' access to their rights as established in EU Victims legislation.

For an evaluation of the Combating Terrorism Directive to be effective, it must include an assessment of the **practical implementation of the Directive** and not just a limited examination of legal transposition. This means including the views and information provided by civil society and other stakeholders on the ground to verify that required measures are in place in practice and functioning effectively.

The Report inter alia finds that sixteen Member States have not explicitly transposed the requirement that support services shall be available to victims of terrorism immediately after an attack and for as long as necessary (Art. 24(2))<sup>5</sup>, yet makes the observation that 'in many of those Member States this seems to be the case in practice'.

This observation is not supported by any example or source and assumptions would need to be carefully verified. Indeed, based on information VSE has received from victims and support organisations as well as various research, there is much room for improvement. For a number of States there are strong concerns over the genuine access of victims to high quality generic and specialised support, and of their ability to provide a genuinely effective victim centric response after a large scale attack. Indeed, several member states have no national generic victim support service in place at all 0 as indicated by both VSE Vociare research and the report of the FRA. A range of others concerns including how States define victims in law have also been raised.

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<sup>2</sup> As indicated in the European Commission (2020), EU Strategy on victims' rights 2020-2025, p. 11, as follows: "Terrorist attacks are directed not only against individuals, but also against states and against our free and open societies without borders."

<sup>3</sup> For more information on circles of impact: Ivanković, A., Altan, L., Verelst, A. (2017) How can the EU and Member States better help victims of terrorism?, p. 22-26.

<sup>4</sup> Report from the Commission to the European Parliament and the Council based on Article 29(1) of Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA, COM (2020) 619, September 2020.

<sup>5</sup> *Ibid.*, para. 4, p. 17.

In light of the above, VSE urges the Commission to ensure that the evaluation of the combating terrorism directive includes a full practical assessment, at least of rules relating to victims. VSE considers that any evaluation will be critically flawed without such an assessment, and without sufficient time for a full review and responses by Stakeholders.

### **Sufficient time for assessment**

Having in mind the time taken for such assessments, as well as internal adoption procedures, the anticipated date to present the report of 8 September 2021 may limit the ability to fully consult and assess the situation. **VSE would recommend delaying adoption, if this will be at the expense of sufficient analysis.**

## 2. Consultation of stakeholders

VSE welcomes the Commission's commitment to the consultation of all relevant stakeholders in its evaluation. Whilst a wide range of stakeholders are reflected in the Roadmap, VSE would emphasise the importance of also consulting with peer support groups and victims of past terrorist attacks.

These groups play a distinct role in the aftermath of a terrorist attack, by offering victims a safe space to talk to people with a similar history of victimisation and by involving victims of previous attacks in the healing process of victims of more recent terrorist attacks. They further continue to engage with victims in the longer term, for instance through the organisation of memorials and other commemorative activities. They can therefore offer unique insights into the level of protection and assistance for victims of terrorism in practice.

VSE also highlights that a clear, inclusive process of consultation requires maximum buy-in and support of all stakeholders, including state actors, civil society and the private sector. It is critical that victims are contacted at an early stage in such process and that are really listened to, through meetings, focus groups, interviews, or surveys. Consultation should also factor in sufficient time for organisations to provide in-depth and well-informed responses.<sup>6</sup>

A consultation process that takes into account abovementioned victim-centric and inclusive approach, will create greater legitimacy for the evaluation on the added value of the Combating Terrorism Directive.

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<sup>6</sup> VSE, Contribution to the Roadmap for the Victims' Rights Strategy 2020-2024, April 2020.