

**Appendix 2**  
(Item 4.2)

**Guidelines on the Protection of Victims of Terrorist Acts**

*(Adopted by the Committee of Ministers on 2 March 2005  
at the 917th meeting of the Ministers' Deputies)*

**Preamble**

The Committee of Ministers,

- a. Considering that terrorism seriously jeopardises human rights, threatens democracy, aims notably to destabilise legitimately constituted governments and to undermine pluralistic civil society and challenges the ideals of everyone to live free from fear;
- b. Unequivocally condemning all acts of terrorism as criminal and unjustifiable, wherever and by whomever committed;
- 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;
- d. Recognising in that respect the important role of associations for the protection of victims of terrorist acts;
- e. Reaffirming the Guidelines on Human Rights and the Fight against Terrorism, adopted on 11 July 2002 at the 804th meeting of the Ministers' Deputies, as a permanent and universal reference;
- f. Underlining in particular the states' obligation to take the measures needed to protect the fundamental rights of everyone within their jurisdiction against terrorist acts, especially the right to life;
- g. Recalling also that all measures taken by states to fight terrorism must respect human rights and the principle of the rule of law, while excluding any form of arbitrariness, as well as any discriminatory or racist treatment, and must be subject to appropriate supervision;
- h. Considering that the present Guidelines aim at addressing the needs and concerns of the victims of terrorist acts in identifying the means to be implemented to help them and to protect their fundamental rights while excluding any form of arbitrariness, as well as any discriminatory or racist treatment;
- i. Considering that the present Guidelines should not, under any circumstances, be construed as restricting in any way the Guidelines of 11 July 2002.

Adopts the following Guidelines and invites member states to implement them and ensure that they are widely disseminated among all authorities responsible for the fight against terrorism and for the protection of the victims of terrorist acts, as well as among representatives of civil society.

**I. Principles**

1. States should ensure that any person who has suffered direct physical or psychological harm as a result of a terrorist act as well as, in appropriate circumstances, their close family can benefit from the services and measures prescribed by these Guidelines. These persons are considered victims for the purposes of these Guidelines.

2. The granting of these services and measures should not depend on the identification, arrest, prosecution or conviction of the perpetrator of the terrorist act.
3. States must respect the dignity, private and family life of victims of terrorist acts in their treatment.

## **II. Emergency assistance**

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

## **III. Continuing assistance**

1. States should provide for appropriate continuing medical, psychological, social and material assistance for victims of terrorist acts.
2. If the victim does not normally reside on the territory of the state where the terrorist act occurred, that state should cooperate with the state of residence in ensuring that the victim receives such assistance.

## **IV. Investigation and prosecution**

1. Where there have been victims of terrorist acts, states must launch an effective official investigation into those acts.
2. In this framework, special attention must be paid to victims without it being necessary for them to have made a formal complaint.
3. 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 allow victims to ask for this decision to be re-examined by a competent authority.

## **V. Effective access to the law and to justice**

States should provide effective access to the law and to justice for victims of terrorist acts by providing:

- (i) the right of access to competent courts in order to bring a civil action in support of their rights, and
- (ii) legal aid in appropriate cases.

## **VI. Administration of justice**

1. 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 tribunal within a reasonable time.
2. States should ensure that the position of victims of terrorist acts is adequately recognised in criminal proceedings.

## **VII. Compensation**

1. Victims of terrorist acts 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 must contribute to the compensation of victims for direct physical or psychological harm, irrespective of their nationality.

2. Compensation should be easily accessible to victims, irrespective of nationality. To this end, the state on the territory of which the terrorist act happened should introduce a mechanism allowing for a fair and appropriate compensation, after a simple procedure and within a reasonable time.

3. States whose nationals were victims of a terrorist act on the territory of another state should also encourage administrative cooperation 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 negative effects of the terrorist act suffered by the victims.

#### **VIII. Protection of the private and family life of victims of terrorist acts**

1. States should take appropriate steps to avoid as far as possible undermining respect for the private and family life of victims of terrorist acts, 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, 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 of terrorist acts in the framework of their information activities.

3. States must ensure that victims of terrorist acts have an effective remedy where they raise an arguable claim that their right to respect for their private and family life has been violated.

#### **IX. Protection of the dignity and security of victims of terrorist acts**

1. At all stages of the proceedings, victims of terrorist acts 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 of terrorist acts and should take measures, where appropriate, to protect their identity, in particular where they intervene as witnesses.

#### **X. Information for victims of terrorist acts**

States should give information, in an appropriate way, to victims of terrorist acts about the act of which they suffered, except where victims indicate that they do not wish to receive such information. For this purpose, states should:

- (i) set up appropriate information contact points for the victims, concerning in particular their rights, the existence of victim support bodies, and the possibility of obtaining assistance, practical and legal advice as well as redress or compensation;
- (ii) ensure the provision to the victims of appropriate information in particular about the investigations, the final decision concerning prosecution, the date and place of the hearings and the conditions under which they may acquaint themselves with the decisions handed down.

#### **XI. Specific training for persons responsible for assisting victims of terrorist acts**

States should encourage specific training for persons responsible for assisting victims of terrorist acts, as well as granting the necessary resources to that effect.

#### **XII. Increased protection**

Nothing in these Guidelines restrains states from adopting more favourable services and measures than described in these Guidelines.