



HIGH-LEVEL MEETING ON VICTIMS OF TERRORISM

**13-14 September 2007
HOFBURG, VIENNA**

ANNOTATED AGENDA

OVERVIEW

Acts of terrorism critically undermine the enjoyment of human rights, including the right to life and to physical integrity of the victims. Terrorists exploit victims by using them as means to convey their message of fear to the wider population. Preventing terrorism, assisting its victims, reinforcing solidarity with and among victims, and involving civil society in this effort is crucial in order to improve security and foster long-term stability. By empowering victims of terrorism, States are reinforcing their very societies against future terrorist threats.

Among conditions conducive to the spread of terrorism, the UN Counter-Terrorism Strategy (adopted by the UN General Assembly on 6 September 2006) includes “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.” In this connection, States Members of the United Nations resolved to “consider putting in place, on a voluntary basis, national systems of assistance that would promote the needs of victims of terrorism and their families and facilitate the normalization of their lives [...]” Moreover, they undertook to increase their efforts in promoting “international solidarity in support of victims and foster the involvement of civil society in a global campaign against terrorism and for its condemnation.”

UN Security Council Resolution 1373 (2001) calls upon all States to “cooperate, particularly through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist attacks and take action against perpetrators of such acts.” The crucial role of regional and sub-regional organisations in the fight against terrorism has since been emphasized by the Security Council in several subsequent resolutions.¹ As a regional arrangement under Chapter VIII of the UN Charter, the Organization for Security and Co-operation in Europe (OSCE) is in a unique position to engage its participating States in discussing the threat of terrorism in relation to the human rights of victims. This is possible thanks to the OSCE’s comprehensive approach to security, linking together military aspects of security with the protection of human rights and the rule of law.

¹ In Resolution 1566 (2004), for instance, the Council called “upon relevant international, regional and sub-regional organizations to strengthen international cooperation in the fight against terrorism and to intensify their interaction with the United Nations [...]”

OSCE Permanent Council decision No. 618 of 1 July 2004 recognizes that acts of terrorism seriously impair the enjoyment of human rights and that there is a need to strengthen solidarity among participating States for the victims of terrorism. The decision acknowledges that individuals who have suffered bodily injury or impairment of health, and dependants and family members of persons who have died as a result of such attacks, require support and assistance in accordance with each State's domestic law. To this end, participating States are invited to explore the possibility of introducing or enhancing appropriate measures, including making provision for financial support for victims of terrorism and their families.

In light of the range of legal, political and cultural experiences across the OSCE region, there is a need to discuss the concept of "victim" and how victims of terrorism may be distinguished from victims of violent crime. The establishment of assistance programs for victims of terrorist acts will be discussed on the basis of an exchange of protection models. The relationship between victims of terrorism and the national justice systems, in particular the role of victims in legal proceedings and the existence of adequate safeguards for the protection of their dignity should be carefully explored. Finally, the meeting will look at what role civil society can play in preventing the dehumanization of victims of terrorism and, more generally, in complementing States' efforts in this field.

The OSCE's cross-dimensional approach to security is based on democracy, respect for human rights, fundamental freedoms, the rule of law and social justice. Key to this are notions of comprehensiveness and indivisibility of security, and allegiance to shared values and commitments. Respect for, and compliance with, international human rights law, including politically binding commitments, stands central to the efforts to prevent and combat terrorism.

As a first conference on the issue of victims of terrorism in the OSCE, this is an important opportunity to begin both to build political consensus, and frame the OSCE's approach to victims of terrorism, building on a discussion that can explore the key issues, informed by experts in the field.

SESSIONS

Session 1: The Victim

This Session introduces the concept of "victim", and will identify key issues that will be dealt with throughout the High-level meeting. It will provide a chance to discuss the notion of solidarity with victims of terrorism both generally, and in the context of the UN Global Counter Terrorism strategy, and the scope for the definition of "*victim of terrorism*" and of "*victim of violent crime*". Some participating States have adopted specific legislation concerning victims of terrorism; others do not differentiate between victims of terrorism and victims of violent crime. In some cases, protection is guaranteed to victims of counter-terrorism measures.

The aim of the session is to discuss approaches in the OSCE region to solidarity with victims of terrorism and to explore in a more concrete manner questions such as who may be considered a victim in the national legal systems in the OSCE region, and how this designation applies to the trans-national nature of terrorist acts.

Questions that could be addressed:

- How can solidarity with victims of terrorism act as a factor in the prevention of terrorism?
- What are the distinguishing features of victims of terrorism?
- Is it important to differentiate between victims of terrorism and victims of violent crimes more generally?
- Are there risks in creating a *hierachy* of victims?
- Could the occupation of a casualty of a terrorist act effect his/her status as a victim?

Session 2: Victims' assistance programs

States should ensure appropriate assistance to victims of terrorist acts, including medical, psychological, social and emotional assistance. Ideally, victims should receive fair, appropriate and timely compensation for damage inflicted. The specific needs of victims of terrorism are widely recognised by OSCE participating States, but dealt with differently at the national level because of States' diverse legal and social traditions.

The aim of this session is to allow for an OSCE-wide exchange of information on national models and practices in the assistance and remedy to victims of terrorism.

Questions that could be addressed:

- What types of assistance, including emergency assistance, should best be provided by State authorities?
- What types of assistance, including emergency assistance, could best be provided by non-State authorities?
- Should States' assistance programs cover foreign nationals and/or nationals injured abroad?
- Should States have specialized units for managing all the assistance and compensatory measures put in place for victims of terrorism?
- Should some minimim standards be agreed amongst participating States?

Session 3: Victims in Legal Proceedings

While States have a positive obligation to bring perpetrators of terrorist acts to justice in a reasonable amount of time, consideration should also be paid to the rights of victims in legal proceedings. Victims should be able to provide and receive information regarding the progress of any court proceedings related to their injuries, and have access to legal aid and representation as appropriate. The dignity, security and privacy of victims should be taken into consideration at all stages of investigation and trial proceedings in order to avoid further victimisation, including by designing and implementing adequate witness protection arrangements.

The aim of this session is to facilitate an exchange of good practices among OSCE participating States about the status of victims of terrorism in legal proceedings.

Questions that could be addressed:

- How can victims best be represented at court?
- What mechanisms could best fulfil their entitlement to timely information?
- Are State's witness protection mechanisms effective and human rights compliant?
- How do we ensure victims' rights of privacy in the context of media freedom?
- Are there any other experiences related to support for victims of terrorism that might be of particular benefit during legal proceedings?

SESSION 4: THE ROLE OF CIVIL SOCIETY

Civil society and victims' associations play a key role in the initiation, development and implementation of policies and services that empower and support victims of terrorism. While States must not abrogate their responsibilities in the field of assistance and compensation, civil society can play an active part in supporting victims, particularly by providing advice and psychological support. Non-governmental organisations and agencies can provide practical support for victims such as counselling, welfare assistance and supplementary therapies. Human rights organisations can contribute with broader social and political support, such as advocating and lobbying on behalf of victim groups.

The aim of this session is to analyse possible roles of civil society in the promotion of solidarity with victims of terrorism, as well as to explore ways forward for participating States in supporting these initiatives across the OSCE region.

Questions that could be addressed:

- What roles can best be performed by civil society in promoting solidarity with victims of terrorism?
- What are the main challenges faced by civil society in promoting solidarity with victims of terrorism?
- How can States best support non-governmental organisations and associations of victims in their endeavours?