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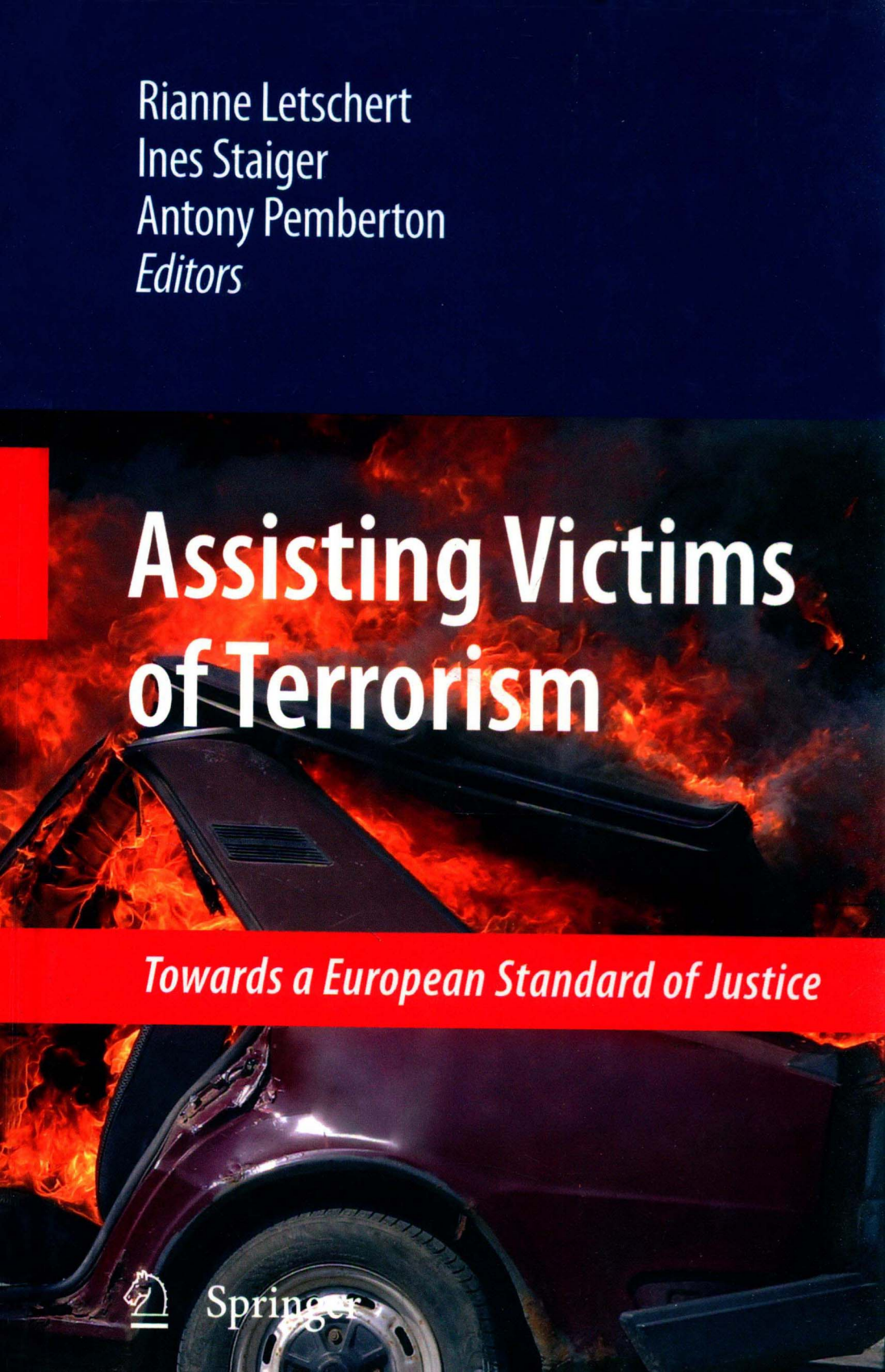
Assisting Victims of Terrorism

Towards a European Standard of Justice



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Assisting Victims of Terrorism

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Acknowledgments

In December 2006 the European Forum for Restorative Justice was awarded a project on 'Developing standards for assistance to victims of terrorism' by the European Commission. The partners involved were the International Victimology Institute Tilburg (INTERVICT), the Centre for the Study of Terrorism and Political Violence of the University of St. Andrews, the Catholic University of Leuven (K.U. Leuven) and Victim Support the Netherlands (in cooperation with the European Forum for Victim Services – now Victim Support Europe). As will be further elaborated in the introduction, the project aimed to develop more extensive standards for the aid and assistance to victims of terrorism at the European level.

The standards were developed in two seminars (held in November 2007 at the K.U. Leuven), in which academic experts and practitioners involved in the assistance of victims of terrorism articipated (see Annex 1). The groundwork for the seminars was a first draft literature review, undertaken by researchers of the K.U. Leuven/ European Forum for Restorative Justice (Ines Staiger, MA) and INTERVICT (Antony Pemberton, MA, Karin Ammerlaan, L.LM, and Dr. Rianne Letschert)[1] supported by a steering committee of experts from the Institute of Criminology of the K.U. Leuven (Prof. Dr. Ivo Aertsen and Prof. Dr. Letizia Paoli), INTERVICT (Prof. Dr. Jan Van Dijk), the Centre for the Study of Terrorism and Political Violence of the University of St. Andrews (Prof. Dr. Alex Schmid), the European Forum for Restorative Justice (Dr. Inge Vanfraechem), and Victim Support the Netherlands (Rob Sardemann; in cooperation with Victim Support Europe). The comments on the first draft of the literature review – by the participants of the seminar – were incorporated in this version. The final event of the project was a conference on 10 and 11 March 2008 at INTERVICT, Tilburg University, where the draft standards and the final results of the literature review were presented to a broader public.

[1] Ines Staiger was researcher at the K.U. Leuven/European Forum for Restorative Justice and was project manager of this project. She is a jurist and holds an MA in European Criminology. Antony Pemberton is senior researcher at INTERVICT. Before that, he was senior policy staff member of Victim Support the Netherlands. Karin Ammerlaan was researcher at the Department of Private Law of Tilburg University and research fellow at INTERVICT. She has finished her PhD in 2008 on the needs of victims of disasters and the role of the Government. Rianne Letschert is associate professor and research director of INTERVICT.

The researchers wish to thank the members of the Steering Committee for their assistance in developing the outline of this study, and for providing invaluable input by commenting upon the draft and final versions of the literature review. We also thank the participants of the seminars and the conference for their valuable contribution and interesting discussion items brought forward during the seminars and conference workshops.

We furthermore wish to express our gratitude to bereaved family members of victims of terrorist acts for sharing their experiences with us. During the short time available for this study we could not conduct an empirically sound study interviewing a large number of survivors. Nevertheless, the stories we heard were inspirational and provided us with important information. A book like this can only focus on the needs of victims of terrorism *in general.* We acknowledge the fact that every situation is different and each person unique. We can only express our hope that it provides a just overview of the most important needs victims may have.

March 2009

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Ines Staiger
Antony Pemberton

(The study was completed on 1 July 2008. Only a few important documents adopted after this date are (briefly) referred to.)

Executive Summary

Introduction

The fight against terrorism is receiving increased awareness due to recent worldwide large-scale terrorist acts, and only since then has some attention been directed specifically to victims of terrorism. Existing legal instruments of international bodies like the European Union, the Council of Europe and the United Nations concerning victims of terrorism are relatively abstract or include victims of terrorism under the broader heading of victims of crime in general. In addition, policies and legislation relating to victims of crime or victims of terrorism vary widely on the domestic level. Against this background, the European Union commissioned a project that should aim to develop more extensive standards for the aid and assistance of victims of terrorism at the European level. This study provides the basis from which more extensive standards could be derived. The study focuses particularly on developing standards in the field of continuing assistance, access to justice, administration of justice and compensation to victims of terrorism. A novel feature of the approach is that also the possible utility of restorative justice approaches is examined.

An important question to address was whether there is a real need to adopt specific standards for victims of terrorism, thereby implying that their needs might differ from victims of ordinary crime. Is a sufficient reason the fact that the adoption of a set of recommendations would imply an unequivocal recognition of the specific situation of victims of terrorism, who are most often used as an instrument to achieve a certain political goal? This public dimension might require a public response which may be seen as solidarity. In addition, could it be argued that the social and psychological empowerment that could emanate from a specific set of guidelines must not be underestimated, given the scope of the problem? And that, in view of the specific characteristics of the violence and the special types of legal and especially social measures (be it individually-based or community-based) that are necessary to effectively address this form of victimisation, a specific instrument to support victims of terrorism would be of added benefit above and beyond general instruments in support of victims and victims' rights? These questions were at the heart of this study.

In order to determine whether victims of terrorism are entitled to or in need of specific standards, the following framework of analysis was used throughout the study:

- Do victims of terrorism have needs of a *different kind*, i.e. additional or other needs than other victims of crime?
- Do these needs *differ in degree*, i.e. when the consequences of terrorism are more or less severe, does meeting the need in question become more or less important?
- Are there indications that meeting a need of victims of terrorism requires *additional efforts in implementation?*

Defining Terrorism, Victims and Restorative Justice

In Chapter 1, the difficulty in defining controversial concepts such as terrorism, its victims and restorative justice become apparent. Relating to the definition of terrorism, it was demonstrated that terrorism has many features and that the literature has given labels to different forms of terrorism, such as Islamist terrorism, ethno-nationalist or separatist terrorism, domestic or international terrorism. The different characteristics of these forms of terrorism makes it difficult to make a categorisation that would cover all existing forms, mainly because most features could fall under more than one heading. Chapter 1 gives an overview of legal definitions put forward by international or regional organisations and more sociological definitions drafted by academics. It was concluded that all definitions have at least three main characteristics in common: the intention to cause death or serious bodily harm or damage to property, the targets are often randomly selected persons, in particular civilians or noncombatants, with the purpose to intimidate a population, or to compel a government or an international organisation to do or to abstain from doing any act.

The literature review does not present a definition of terrorism, since the aims of the study are to determine the specific needs of victims of terrorism. Despite the absence of a definition and the diversity of terrorist acts, it is more important to further study the differences of effect of the various forms of terrorism on victims, thus adhering to a victims' perspective. An important question is whether victims of specific types of terrorism should be addressed in a similar way or whether the specific character of the attack merits different approaches with regard to victim protection schemes. The tension seems most apparent between small-scale terrorism of which an individual is the direct target, such as hostage-takings, and large scale-terrorist attacks resulting in many casualties (see further Chapters 3 and 4).

Just as it is difficult to agree on a definition of terrorism, it also appears problematic to define the term 'victims' in the context of terrorist attacks. Chapter 1 gives an overview of definitions of the term 'victim' contained in international instruments and those put forward by academics. Following the analysis made, a

division was made into primary, secondary and tertiary victims. *Primary victims* are those who directly suffered harm from the terrorist attack, including those who experience property damage (economic loss) due to violent acts. The group of *secondary victims* consists of dependants or relatives of the deceased and first responders to acts of terrorism. Lastly, the distinguishing feature of terrorism is fear and this fear is stimulated by threats of indiscriminate and horrifying forms of violence directed against ordinary people everywhere. Discussing the full scope of the consequences of terrorism therefore means discussion of the impact on this wider group, frequently termed either *tertiary or vicarious victims.*

Finally, Chapter 1 discusses how to define restorative justice. It is problematic to find one ultimate definition of restorative justice mainly because the concept of restorative justice covers a diversified meaning. Albeit the differences of purist and maximalist interpretations of restorative justice, three basic conceptions, namely encounter, reparation and transformation can be found – to different degrees – in the various definitions of restorative justice. Chapter 1 gives an overview of the most common definitions of restorative justice in literature and in international legal instruments, but does not present a working definition. The international legal instruments do not define 'restorative justice' as such. While provisions at EU and Council of Europe level are rather concerned with 'mediation', the *UN Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters* define restorative justice programmes. This provision offers a general framework that needs to be further incorporated with restorative justice values and principles, which is elaborated in Chapter 7. Underlying assumptions of restorative justice programmes can be identified as follows: the response to crime should repair as much as possible the harm suffered by the victim; offenders should be brought to understand that their behaviour is not acceptable and that it had consequences for the victim and the community; offenders can and should accept responsibility for their action; victims should have an opportunity to express their needs and to participate in determining the best way for the offender to make reparation, and the community has a responsibility to contribute to this process. Common restorative justice programmes like victim–offender mediation, conferencing and circles can be applied at the micro-and meso-level. In this respect, the CoE *Recommendation (99) 19 concerning Mediation in Penal Matters* does not restrict the application of mediation to any type of crime. Moreover, the CoE *Recommendation (2006)8 on Assistance to Crime Victims* includes victims of terrorism and refers to the aforementioned recommendation. Therefore, it could be argued to apply restorative justice to terrorism as well. In addition, it has to be taken into consideration that restorative justice as a means to solve interpersonal disputes may be redefined for cases of terrorism, taking into account other restorative mechanisms as used for instance in large-scale conflict situations. Thereby, the community/societal consequences of terrorism can be addressed as well. Moreover, the inclusion of restorative justice principles and values at the macro-level can help to redefine the common response to terrorism. On this basis, a multi-layered approach could be developed that does not only address the interpersonal and community level but also the overall response to terrorism.

International Instruments and Policies Focusing Specifically on Victims of Terrorism

Chapter 2 provides an overview of developments and activities taking place within international organisations relating to victims of terrorism or that could have an impact on victims of terrorism. An analysis is made of the more general victims' rights instruments, which include victims of terrorism and the CoE Guidelines on the Protection of Victims of Terrorist Acts. Relating to the content of the instruments, some minor differences were identified. The specific CoE Guidelines relating to victims of terrorism contain a provision relating to continuing and emergency assistance and a provision on the possible negative effects of media exposure, which cannot be found in most of the other general victims' rights instruments. Furthermore, provisions relating to restorative justice approaches are not incorporated in all instruments. Devising specific strategies that work in a cross-border context could also require more attention. However, overall, the main bearing of the existing instruments is the same, containing the classical victims' rights such as the right to information and the right to receive compensation. In addition, CoE Recommendation 2006 (8) contains an extensive list of detailed victims' rights, some of them referring to specific measures that need to be taken with regard to certain victims including also victims of terrorism.

Based on this analysis, the question was posed what the added value could be of possible EU standards in the field of victims of terrorism; a question that was studied more in depth in the subsequent chapters. Based on the analysis in chapter 1, the conclusion was drawn that the main added value could relate to the scope of these instruments. The existing instruments restrict the scope of protection to primary and secondary victims, meaning those who were actually harmed and family members and dependants (only the UN Declaration and the UN Basic Principles and Guidelines also cover those who intervened to assist, and the ICC Statute includes also certain categories of legal persons). The question arising then was whether the specific context of terrorist acts, resulting in a large group of tertiary victims and sometimes leading to mass victimisation of primary and secondary victims, would require a broader scope. If the specific group of tertiary victims indeed has specific legal or psycho-social needs, a broader definition could be legitimate, which was subject to study in the subsequent chapters.

In addition, Chapter 2 addresses the legal status of possible future EU standards or recommendations for victims of terrorism, as well as the legal status of other EU instruments. Lastly, the justifications for EU involvement in the field of victims of terrorism were analysed, the main reason being that the establishment of an area of freedom, security and justice must also take due account of the needs of crime victims in the European Union.

The Needs of Victims of Terrorism Compared to Victims of Crime

Chapter 3 compares the needs of victims of terrorism as shown by empirical research to those of victims of crime. The key issue is whether there are empirical reasons to differentiate between victims of terrorism and other victims of crime. For the most part, the needs of direct victims of terrorism are similar to those of other victims of crime, differing not in kind but rather in degree or in possibilities for implementation. On average, the impact of terrorism in a financial, psychological and physical sense may be larger, but definitely not always. Often terrorist victims will require immediate medical and financial assistance, but this will be the case for some victims of crime as well. Similarly, victims of terrorism, like victims of crime, will need to be treated respectfully and provided with information about and participation in their case. Both will need reassurance of their safety, and will need to come to terms with feelings of anxiety and anger they are likely to have after the event.

The main difference appears to lie in the context in which terrorist victimisation occurs, and its audience. Victims of terrorism, by definition, are attacked as representative of a larger group. Acknowledgment of their victimisation entails recognising this fact. This gains even more relevance in situations where the terrorist attack is framed in the context of war. Victims may then feel they are civil casualties of war rather than 'just' victims of crime.

The fact that terrorists use violence against direct targets to threaten, frighten and otherwise influence a wider group of indirect or vicarious victims, implies that the audience of the crime transcends the direct victims. Indeed, the effects on vicarious victims in absolute terms may outweigh those of the direct victims. It was shown that symptoms of post-traumatic stress disorder are found in members of the public not present at the site of terrorist attacks and unrelated to those who were. The increased levels of fear in the general public may result in various behavioural reactions, from lower levels of tourist activity, to decreased use of public transport systems and the occurrence of 'worrying well'. Moreover, research into terror management theory shows the effects of terrorism on public opinion and political preferences. The anger at the attack may lead to a process of vicarious retribution, which can involve backlash attacks on people who in one way or another resemble the terrorists and a general antipathy against those who are seen to belong to the same group.

Chapter 3 then results in two questions. First, it is open to question whether acknowledging the particular situation of terrorist victims, i.e. that they were victimised as representatives of a larger group with the aim of reaching specific political goals, is a sufficient reason for adopting a set of recommendations. Does this public dimension require this type of response as an act of solidarity? Second, do the effects on vicarious victims need to be incorporated in these or other existing recommendations and guidelines and if so in what way?

Psycho-social Consequences of Mass Victimisation by Terrorism

Regardless of the question whether the suffering of victims of terrorism requires a differential response in principle, it is clear that the implementation of assistance after a large-scale terrorist attack will differ from that of an individual crime. Chapter 4 therefore discusses a multi-level response to the psycho-social consequences of mass victimisation by terrorism. On the micro-level there is the support, assistance and therapy for individual and possible victims. A stepped care approach to mass victimisation by terrorism is discussed. The central issue in delivering assistance to victims is related to the fact that where many and even most victims will either show resilience or recover of their own accord, others will develop severe complaints. As subtle personal differences and post-trauma factors may impact these differences, it is not possible to say at a very early stage who will develop complaints and who will not. The challenge therefore is to find ways of matching services to victims' diverse needs. The stepped care approach consists of six components: immediate emergency assistance/psychological first aid, screening and watchful waiting, survivor education, enhancement of social support, coping skills training and interventions for survivors experiencing significant problems.

The fact that the response also targets the meso and macro-levels of society is related to the impact of terrorism beyond its direct victims. It will be shown that the impact of mass victimisation on communities, although this is a risk factor for the development of psychological complaints, is also a resource for resilience, which ties in with victims' needs for social support, but also their desire to help each other. Community-based interventions therefore strive to reinforce and stimulate activities of networks within affected communities themselves. Central in this approach is the development of so-called Information and Advice Centres (IAC) that serve as a one-stop-shop for victims, their relatives, and relief workers alike. The tasks of the IAC evolve in the aftermath of the attack, but in any case it serves to promote resilience in the community, provide support and information for relief workers and initiate and coordinate health research in the afflicted society.

Finally, at the macro-level it is important that information targeting the general public does not have a counterproductive effect on the relief effort. Of course, information is a general need for both direct and vicarious victims alike. However, in disseminating this information, governments run a real risk of doing the terrorists' work for them. Information relating to the attack and further threats will inevitably cause some anxiety. Nevertheless, steps should be taken to ensure that no more fear is caused than necessary and that the public in particular is sufficiently aware of their own possibilities to contribute to the fight against terrorism. Moreover, communication may prevent the process of vicarious retribution in which members of the public avenge the attack by victimising people who show resemblance in some way or another to the terrorists.

The suggested approach is based on the current state-of-the-art in psycho-social knowledge concerning mass victimisation and will be useful in a variety of situations. Nevertheless, it is open to question whether the approach can be applied in

countries with varied cultural backgrounds or where the victim assistance structures and disaster planning necessary for its implementation are less developed. In any case, this implies that the suggested approach may be more useful as an example of good or best practice, rather than a blueprint, and calls into question to what degree it can inform standards for the assistance of victims of terrorism. Finally, the fact that the approach also targets the general public is related to the inclusion of vicarious victims. To what extent should this be included within standards concerning victims of terrorism?

Access to Justice and Administration of Justice

Chapter 5 examines the situation for victims of terrorism as regards their access to justice and the administration of justice in terrorist cases on the basis of the CoE Guidelines on the Protection of Victims of Terrorist Acts. These guidelines were analysed in the light of case law of the European Court of Human Rights (ECHR). Further indications for the interpretation of access to justice and administration of justice for victims of terrorism were drawn from the EU Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings, the EU Council Framework Decision of 13 June 2002 on combating terrorism, provisions of the International Criminal Court (ICC), and the 1985 UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

Under the CoE Guidelines, 'access to justice' implies the right for victims of terrorism to access competent courts in order to bring a civil action in support of their rights. Additionally, legal aid shall be provided in appropriate cases. In interpretation of the Guidelines according to case law of the ECHR, this right of access to competent courts includes the situation where the victim of a terrorist act wants to receive compensation (or other forms of reparation) from the terrorist in the course of the criminal process. This reflects *partie civile* proceedings under Germanic, Romanistic and Nordic jurisdictions. With regard to the provision of legal aid in appropriate cases, the ECHR developed criteria under which the lack of legal aid may constitute a denial of access to court. It does, however, not address the question whether legal aid is to be granted in criminal proceedings other than *partie civile* proceedings. For instance, is legal aid accessible for victims of terrorism with a full status of a party to criminal proceedings? Are there any particularities for granting legal aid in cross-border cases or in cases of mass terrorist victimisation? These aspects are explored on the basis of EU legal instruments and legal provisions of the ICC. Further, both the 'Report from the Commission on the basis of Article 18 of the Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings' (European Commission) and the 'Report on European Judicial Systems by the European Commission for the Efficiency of Justice' (Council of Europe) give indications of the practical relevance of the respective provisions and the implementation in national law of their Member States.

The CoE Guidelines also give indications for defining the administration of justice in terrorist cases. In this context, arbitrary regulations concerning persons suspected of terrorism are discussed against the background of Guantánamo and the Beslan case. Moreover, possible mitigations of punishment are illustrated on the basis of the principal witness regulation in terrorist cases according to Article 6 of the EU Council Framework Decision of 13 June 2002 on combating terrorism. The main focus is put upon the requirement of the adequate position of victims of terrorist acts in criminal proceedings. In this respect, participatory rights of victims in civil and common law jurisdictions as well as under the jurisdiction of the ICC are highlighted and discussed on the basis of research findings. In view of the EU Council Framework Decision on the standing of victims in criminal proceedings and the EU Council Framework Decision on combating terrorism it is argued that the vulnerability of victims of terrorism requires the possibility of giving them a status of parties to criminal proceedings, at least in those EU Member States where national law provides such a status for vulnerable victims. Alternatively, the possibility of (oral) victim impact statements in criminal proceedings and examples of victim participation under the ICC jurisdiction is discussed. Moreover, the possible role of vicarious victims of terrorism in criminal proceedings is presented. Further, the rights to information, to assistance during legal proceedings, and the right to protection are assessed as well as their practical relevance and implementation in national law. The chapter concludes that limited participation rights as well as the lack of implementation of international legal instruments are the main obstacles for victims of terrorism as regards their access to justice and the proper administration of justice in terrorist cases.

Reparation and Compensation

Chapter 6 addresses reparation and compensation. Reparation entails the following concepts: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, often used in the framework of massive and systematic cases of grave human rights violations. The focus in Chapter 6 is on compensation issues, reporting on the different permanent state compensation schemes for victims of crime in the Member States of the European Union and those that were specifically set up for victims of terrorism. The model of international trust funds, like the trust fund of the International Criminal Court that offers compensation to victims of the worst atrocities was also examined. In addition, the chapter includes information on the ad hoc State compensation fund set up after the 9/11 attacks because of its unique aspects. Furthermore, the role of private remedies, such as insurance, tort law and charity in providing compensation to victims was analysed. Lastly, the different forms of reparation that could serve as an example on how to bring justice to victims of large-scale terrorist acts are presented in Chapter 6.

The following conclusions were drawn. As mentioned in several international instruments, victims should receive *fair*, *appropriate* and *timely* compensation,

which is *easily accessible*. This need applies as much to victims of ordinary crime as to victims of terrorism (needs *in kind*). The need for reparation in the broader meaning could be more apparent for victims of large-scale terrorist acts than for victims of ordinary crime. Especially the various forms of satisfaction may be important, for instance, in the form of a public acknowledgment of the facts and acceptance of responsibility and commemorations and tributes to the victims. In addition, reparation could see to preventing indirect victimisation of minority communities that may be confronted with a backlash after a terrorist attack. Tertiary victims would also benefit from such reparation programmes, considering that allowing this category access to the regular compensation schemes would be practically impossible.

Chapter 3 assessed that, considering that physical damage and large-scale property damage in case of large-scale terrorist acts are more likely (even in the case of non-fatal terrorist acts), victims' financial needs are acute. It is open to question whether normal procedures for compensation will be sufficiently swift in reaction to large-scale terrorist victimisation, resulting in a large group of both primary and secondary victims. In addition, Chapter 3 further estimated that the costs of murder and manslaughter are by far the highest and that for victims of terrorism the costs of fatal incidents are unlikely to be much different from other victims of crime. Nevertheless, Chapter 3 also acknowledged that the injuries sustained through terrorist acts are on average more severe, and the chances of developing a psychological disorder are higher, which implies that costs of suffering non-fatal terrorist victimisation will be higher. The higher costs are further compounded by the increased likelihood of incurring material damage, due to the methods used by terrorists. The frequent use of explosive devices in terrorist attacks will be likely to cause material damage more often than is usual for personal victimisation for crime. This is further compounded by the fact that 9/11 has had a dramatic impact on insurers' policies vis-à-vis terrorism coverage, which may lead to terrorism being excluded from coverage. These elements illustrate that the needs of victims of large-scale terrorism differ in degree compared to victims of ordinary crime.

Another issue relating to differentiation in degree relates to the possibility that terrorist attacks will result in cross-border victims. As terrorists attacks have not infrequently targeted tourist places, many victims come from abroad. Apart from the other difficulties this may pose for victims and their families, it also adds to the cost of victimisation, making meeting the financial need even more important.

Problems seem to come to the fore also at the implementation level (how should a State deal with, for instance, mass claims?) more than at the normative level (are victims of terrorism entitled to a different form of compensation?). For instance, one can have doubts about the adequacy of State compensation schemes in case of *large-scale* terrorist acts, with regard to procedural matters and with regard to the possibility to receive compensation for property damage. We have seen that in countries confronted with terrorist attacks, specific funds, based on public/private charity gifts, will evolve. However, it is to be discussed whether this will reduce the need to create specific measures providing adequate and prompt compensation schemes. It could be argued that standards for victims of (large-scale) terrorism

should include provisions on different reparation possibilities and the processing of mass claims, in order to strive for a settlement within a reasonable time and to strive for fair and appropriate compensation.

Another issue dealt with in Chapter 6 concerns the level of harmonisation in the EU Member States relating to State compensation schemes. The compensation schemes were divided in three main groups. The first are States that have enacted specific legislation and compensation programmes for victims of terrorism (France and Spain). The second category consists of States that have enacted crime victim compensation schemes, covering also victims of terrorism and the last group includes States that have limited compensation schemes. At a practical level, the Member States show a great diversity in different legal systems and default compensation schemes. Differences within these schemes (whether general or for victims of terrorism) include, for instance, providing full compensation versus adhering to the social welfare approach, and offering compensation for pain and suffering or not.

Other differences within the EU Member States relate to rules with regard to the eligibility requirements concerning cross-border victimisation, especially with regard to EU nationals victimised outside the EU and non-EU residents victimised in a EU Member State. Whether the situation for EU nationals becoming victimised in another EU Member State has changed because of the implementation of the EU Directive on Compensation, requesting States to establish assisting and deciding authorities, which should reduce possible problems relating to cross-border victimisation within the EU area, is not clear yet. Also, it should be discussed whether a clear rule should be established on additional compensation from a victim's home country. Furthermore, the effectiveness of default compensation systems could be enhanced on a European level, with regard to private insurance, tort law and even social security. With strong and well functioning default systems, victims have better financial protection and security of financial protection. With regard to compensation for property damage, we have seen that self-insurance is not an absolute given and that property damage through terrorism attacks is not covered under all private property damage insurances (sometimes explicitly excluded). When necessary, governments could consider providing financial backup as a State reinsurer, as is the case in France and Spain, by embarking upon private/public schemes.

It seems rather difficult to reach equity in all EU Member State compensation schemes, whether they are benefiting victims of crime in general or victims of terrorism in particular. Reasons for this impossibility are first of all of a political kind, but socio-economic and cultural differences among the Member States should also be taken into account when discussing uniform compensation schemes.

A last issue addressed concerns the possible establishment of a European Trust Fund for victims of terrorism. The fundamental question is how the European Union perceives terrorism and the risk of terrorism. So far, the EU considers terrorism as a collectively shared risk and wants *Member States* to ensure that appropriate compensation is available to victims. However, no mention has been made of a European financed compensation scheme which offers *direct compensation* to victims of terrorism, as a sort of supranational compensation fund, based on European