



**Research Paper 24/01**

**10 October 2001**

# **OFMDFM CONSULTATION PAPER ON A VICTIMS' STRATEGY**

Responsibility for victims in devolved areas falls to OFMDFM. On 7 August 2001 it published a Consultation Paper on a Victims' Strategy. This paper provides some background information relating to victims' issues, and notes some key issues raised by the Consultation Paper

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## SUMMARY OF KEY POINTS

1. The report of the Northern Ireland Victims Commissioner, *We Will Remember Them*, was published in April 1998. It recommended specific actions to *'provide greater recognition for those who have become victims in the last thirty years as a consequence of events in Northern Ireland.'*
2. In the same month, the Belfast Agreement recognised the importance of victims' suffering and declared that an acknowledgement of that suffering was an essential part of reconciliation in Northern Ireland.
3. The Programme for Government 2001 committed the Executive to have in place, by the end of 2001/02, a cross-departmental strategy to serve the needs of victims. The new draft Programme for Government suggests that the strategy will be in place by the end of 2001.
4. Responsibility for victims in devolved areas of government falls to OFMDFM. On 7 August 2001, it published a Consultation Paper on a Victims' Strategy. Responses are requested by 9 November 2001.
5. The Consultation Paper defines victims as *'the surviving physically and psychologically injured of violent, conflict related incidents and those close relatives or partners who care for them, along with those close relatives or partners who mourn their dead.'*
6. Since 1969, at least 3585 people have been killed as a result of the Troubles. An estimated 53% of the dead were civilian. The death rate was higher within the Catholic population than the Protestant.
7. One estimate suggests that, since 1967, between 40,000 and 50,000 people have been injured as a result the Troubles.
8. The proposed strategy places an emphasis on practical measures to improve the delivery and standard of services to victims. Accordingly, it presents a draft Action Plan, containing 27 wide-ranging targets.
9. It also proposes a programme of activity to raise public awareness of victims' issues, and raises the issue of a physical memorial project.

## CONTENTS

1.	Introduction .....	1
2.	Background.....	2
3.	Victims of the Troubles .....	2
3.1	The Dead .....	2
3.2	The Injured.....	3
3.3	Those suffering secondary effects .....	3
3.4	The definition of victims used in the Consultation Paper .....	3
4.	Some Key issues raised by the consultation paper .....	3
4.1	Social exclusion .....	3
4.2	Partnership approach.....	4
4.3	Improvement of services.....	4
4.4	A new 'Victims Commissioner' .....	5
4.5	Recognition of victims' suffering by way of memorial .....	5

## OFMDFM CONSULTATION PAPER ON A VICTIMS' STRATEGY

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### 1. INTRODUCTION

1.1 The Belfast Agreement recognised the importance of victims' suffering and declared that an acknowledgement of that suffering was an essential part of reconciliation in Northern Ireland.<sup>1</sup> The Programme for Government 2001 confirmed the importance of the issue to the new Executive, stating that:

*among the most vulnerable individuals in society are the victims of our prolonged conflict, along with those who care for them and the relatives of all victims, whether surviving or dead. This society has a special obligation to ensure that those who suffered so much in conflict will have their needs addressed in peace.*<sup>2</sup>

1.2 The Executive committed itself to implement, by 2001/02

*a cross-departmental strategy for ensuring that the needs of victims are met through effective, high quality help and services.*<sup>3</sup>

1.3 The Executive intends to have the strategy implemented by the end of 2001.<sup>4</sup>

1.4 Responsibility for victims in devolved areas falls to OFMDFM. On 7 August 2001 it published a Consultation Paper on a Victims' Strategy, available at <http://www.victimsnri.gov.uk>. Responses are requested by 9 November 2001.

1.5 The Consultation Paper states a vision for the proposed strategy:

*A society where the suffering of victims is recognised; a community that acknowledges the pain of the past and learns lessons for the future; and an administration that provides, in conjunction with others, support and services in a proactive and sensitive manner to meet the needs of victims.*<sup>5</sup>

1.6 This paper provides some background information relating to victims' issues and notes some key issues raised by the Consultation Paper.

## 2. BACKGROUND

2.1 In 1997 the Prime Minister felt that insufficient attention had been paid to those who had suffered during the Troubles.<sup>6</sup> In November 1997, the Secretary of State appointed Sir Kenneth Bloomfield KCB as the Northern Ireland Victims Commissioner ('the Commissioner'). His report, *We Will Remember Them*,<sup>7</sup> was published in April 1998. Its recommendations were accepted in full by the Northern Ireland Office,<sup>8</sup> which created a Victims Liaison Unit to promote victims' issues and co-ordinate action across the departments.

2.2 A separate set of recommendations had been made shortly before by the Social Services Inspectorate of the DHSS, in its report *Living with the Trauma of the 'Troubles'*.<sup>9</sup> Those recommendations were aimed at improving services 'to meet the social and psychological needs of individuals affected by the conflict'.<sup>10</sup> Sir Kenneth's report endorsed them in their entirety, recommending that they be given 'the most serious and urgent consideration'.<sup>11</sup>

2.3 With devolution, responsibility for victims was split between the NIO and the Assembly. The Victims Liaison Unit continues to work in non-devolved fields such as compensation and criminal justice, while OFMDFM created a Victims Unit, responsible for ensuring that the needs of victims were met by the devolved administration. The two units 'aim to collaborate rather than compete'.<sup>12</sup> A fuller description of their different remits is contained in Annex F to the Consultation Paper.

2.4 An unspecified amount of money held by the NIO as part of its budget is the subject of negotiations between it and OFMDFM, which has suggested that it be transferred to its budget to the benefit of victims.<sup>13</sup>

## 3. VICTIMS OF THE TROUBLES

### 3.1 THE DEAD

3.1.1 The Cost of the Troubles Study ('the COTT')\* calculated that between 1969 and 1997, 3585 people had been killed as a result of the Troubles. The Commissioner examined the loss and commented that, had the same proportion of UK citizens been killed, there would have been 130,000 dead.<sup>14</sup>

3.1.2 He also picked out some 'striking facts' from analysis of the deaths, including the facts that:<sup>15</sup>

- 91% of the dead were male;
- the dead were 'predominately within age groups with considerable expectation of further life' – for example 37% were under 24;
- an estimated 53% of the dead were civilian, with no connection to security or paramilitary forces; and
- the death rate was higher within the Catholic population (2.5 per thousand) than the Protestant (1.9 per thousand).

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\* The Cost of the Troubles Study was a study of the effects of the Troubles on the NI population. It published its final report in 1999 and was funded by, amongst others, the Central Community Relations Unit; Making Belfast Work, North & West Teams; The Special Support Programme for Peace & Reconciliation; and The Joseph Rowntree Charitable Trust. See <http://cain.ulst.ac.uk/cts/>

### **3.2 THE INJURED**

3.2.1 Calculating the number of people injured by the Troubles has proved less easy. The Commissioner noted that *'there is no reliable central register of the injured'*, but noted that work by the COTT indicated that between 40,000 and 50,000 people had been injured since 1967.<sup>16</sup>

### **3.3 THOSE SUFFERING SECONDARY EFFECTS**

3.3.1 The Commissioner pointed out that death and injury can have 'secondary effects'. The secondary effects of violent death are *'serious, often involving a reduced standard of life for dependents, acute mental agony and in too many cases continuing trauma'*.<sup>17</sup> He found that injuries can cause similar secondary effects. Other COTT work<sup>18</sup> estimated that around 100,000 people in Northern Ireland live in households where someone has been injured in a Troubles-related incident.

### **3.4 THE DEFINITION OF VICTIMS USED IN THE CONSULTATION PAPER**

3.4.1 The Consultation Paper, recognising that defining a victim is a difficult task, employs a specific definition of victims for its purposes:

*The surviving physically and psychologically injured of violent, conflict related incidents and those close relatives or partners who care for them, along with those close relatives or partners who mourn their dead.*<sup>19</sup>

3.4.2 This is a wide description, and, as will be seen from the figures provided above, a very large number of people may fall under it. It should be noted that this definition does not include the dead. Recognition of victims, including the dead, by way of a memorial is considered below.

3.4.3 Members may wish to consider whether the definition is suitable.

## **4. SOME KEY ISSUES RAISED BY THE CONSULTATION PAPER**

### **4.1 SOCIAL EXCLUSION**

4.1.1 The Executive recognises that victims can be amongst the most socially excluded citizens.<sup>20</sup> The strategy proposes to alter the delivery of services so as to meet the needs of victims and ensure that they *'receive standards of service on a par with those provided to other sections of society'*.<sup>21</sup> This approach indicates that New Targeting Social Need ('New TSN')\* has had an impact on the development of the proposed strategy. Mr Empey MLA, Acting First Minister, has stated that

*it is not always a matter of resources; it is, perhaps, a question of people altering their procedures and having an awareness of the requirements [of victims].*<sup>22</sup>

4.1.2 The Commissioner had recommended that victims should be designated a group which would receive priority under New TSN.<sup>23</sup>

4.1.3 Members may wish to consider whether the proposed Victims' Strategy will suffice to meet the needs of victims.

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\* An Executive policy, the aim of which is to tackle social need and social exclusion in Northern Ireland by targeting efforts and available resources on people, groups and areas in the greatest social need.

## **4.2 PARTNERSHIP APPROACH**

4.2.1 The strength of a partnership approach to serving victims is recognised by the proposed strategy.<sup>24</sup> It identifies two key partnerships: the partnership between statutory agencies and the partnership between the statutory and voluntary/community sectors. However it does not give detail on what specific partnerships in each sector it envisages.

4.2.2 The partnership approach is also important to the operation of New TSN.

4.2.3 Members may wish to consider what partnerships could be formed or strengthened so as to best serve the needs of victims.

## **4.3 IMPROVEMENT OF SERVICES**

4.3.1 The proposed strategy places an emphasis on practical measures to improve the delivery and standard of services to victims.<sup>25</sup> Linked to this, it presents a draft Action Plan, containing 27 wide-ranging targets,<sup>26</sup> asking for comments on how to prioritise them.

4.3.2 For example, targets include:

- by September 2002, examining what additional training Northern Ireland Civil Service staff require for dealing with victims;
- by September 2002, reviewing the level of emergency payments for persons re-housed as a result of intimidation;
- by June 2002, examining how LEDU (or its successor) can best offer advice to victims on the availability of enterprise programmes to victims; and
- by January 2003, examining how the use of arts and sport might be used as therapeutic tools for victims.\*

4.3.3 It may be that the practical emphasis on service delivery explains the absence of the dead from the definition of victim.

4.3.4 It may be noted that many targets are preparatory only, and would not in themselves improve services. For example, Targets 3, 5 and 7 relate to examining further training needs, but do not extend to actually providing the training.

4.3.5 Members may wish to consider with OFMDFM officials whether the targets are set highly enough to make an impact on service delivery, and which targets should be given priority.

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\* This selection is intended only to indicate the wide range of policy areas affected by the targets and is not exhaustive, nor intended in any way to recommend the examples given as suitable for prioritisation.

#### **4.4 A NEW 'VICTIMS COMMISSIONER'**

4.4.1 The Consultation Paper notes that 'some people' have suggested that a new 'Victims Commissioner' (distinct from the Northern Ireland Victims Commissioner, whose role is complete) be appointed as a voice for victims and as a watchdog to ensure good service delivery.<sup>27</sup>

4.4.2 The Northern Ireland Victims Commissioner recommended that the interests of victims should be made *'the concern of a Standing Commission or a Protector or an Ombudsman for Victims'*.<sup>28</sup>

4.4.3 Members may wish to consider with OFMDFM officials what role and remit a new 'Victims Commissioner' might usefully have.

#### **4.5 RECOGNITION OF VICTIMS' SUFFERING BY WAY OF MEMORIAL**

4.5.1 The Consultation Paper focuses on strategies to deliver services to living victims. But its draft Action Plan does contain some recommendations geared toward recognition of the dead by way of memorial.<sup>29</sup> It also proposes a programme of activity to raise public awareness of victims' issues, and a memorial project might serve that purpose.

4.5.2 The Commissioner emphasised in his report that better practical support should be the first priority in recognising the suffering of victims.<sup>30</sup> However he also examined the possibilities of establishing memorial schemes, such as charitable trusts, archives, or reconciliation projects. He was particularly attracted to proposals for a new public holiday, commenting that

*too often in our society holidays are an occasion of division, respected more by one tradition than another or by one tradition only.*<sup>31</sup>

4.5.3 He also considered the possibility of erecting one or more physical memorials, favouring a building dedicated to rest and reflection, care and counselling, and containing art and an archive of the troubles.<sup>32</sup>

4.5.4 However he emphasised that in all of his work as Commissioner, he was

*guided by a simple yardstick: we have created victims through violence, and have produced violence out of division. It follows, then, that any form of recognition likely to generate division rather than to foster reconciliation should be avoided.*<sup>33</sup>

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18 SEPTEMBER 2001

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<sup>1</sup> The Agreement reached in the multi-party negotiations in Belfast on 10th April 1998, Section 6: Rights, Safeguards and Equality of Opportunity, paras 11-13



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- <sup>2</sup> Executive Committee of the Northern Ireland Assembly 2001 Programme for Government 2001 Belfast, para 2.1.1
- <sup>3</sup> Programme for Government 2001 para 2.2.2
- <sup>4</sup> Executive Committee of the Northern Ireland Assembly 2001 Draft Programme for Government 2002 Belfast, para 2.5
- <sup>5</sup> OFMDFM 2001 Consultation Paper on a Victims' Strategy Belfast, para 2.1
- <sup>6</sup> Northern Ireland Victims Commissioner 1998 We Will Remember Them, Report of the Northern Ireland Victims Commissioner Belfast: NIO, para 1.1
- <sup>7</sup> Northern Ireland Victims Commissioner 1998 We Will Remember Them, Report of the Northern Ireland Victims Commissioner NIO, Belfast
- <sup>8</sup> Consultation Paper on a Victims' Strategy para 1.1
- <sup>9</sup> DHSS 1998 Living with the Trauma of the 'Troubles', Summary Report on a developmental project to examine and promote the further development of services to meet the social and psychological needs of individuals affected by civil unrest in Northern Ireland Belfast: TSONI
- <sup>10</sup> Living with the Trauma of the 'Troubles' para 1.2
- <sup>11</sup> We Will Remember Them para 5.23
- <sup>12</sup> Consultation Paper on a Victims' Strategy para 5.3
- <sup>13</sup> NIA Deb 10 September 2001 AQO 53/01
- <sup>14</sup> We Will Remember Them para 2.5
- <sup>15</sup> We Will Remember Them para 2.4
- <sup>16</sup> We Will Remember Them para 2.12
- <sup>17</sup> We Will Remember Them para 2.10
- <sup>18</sup> Fay, M., Morrissey, M., Smyth, M. 1999 Northern Ireland's Troubles – The Human Costs London: Pluto Press, page 204
- <sup>19</sup> Consultation Paper on a Victims' Strategy para 1.6
- <sup>20</sup> Consultation Paper on a Victims' Strategy page i and para 2.5
- <sup>21</sup> Consultation Paper on a Victims' Strategy para 2.4. See also para 1.4
- <sup>22</sup> NIA Deb 10 September 2001 AQO 53/01
- <sup>23</sup> We Will Remember Them para 5.17
- <sup>24</sup> Consultation Paper on a Victims' Strategy para 2.3
- <sup>25</sup> Consultation Paper on a Victims' Strategy e.g. at para 4.6
- <sup>26</sup> Consultation Paper on a Victims' Strategy Annex A
- <sup>27</sup> We Will Remember Them para 5.7
- <sup>28</sup> We Will Remember Them para 8.1(j)
- <sup>29</sup> Consultation Paper on a Victims' Strategy Annex A. See, eg, Targets 15, 17 and 18
- <sup>30</sup> We Will Remember Them paras 5.2 and 7.1
- <sup>31</sup> We Will Remember Them para 6.9
- <sup>32</sup> We Will Remember Them Chapters 4, 6 and 7, and Appendix 1 provide fuller details
- <sup>33</sup> We Will Remember Them page 5