

COMMISSION FOR VICTIMS AND SURVIVORS RESPONSE TO DRAFT PROGRAMME FOR GOVERNMENT FRAMEWORK 2016-21

The Commission for Victims and Survivors for Northern Ireland (the Commission) was established in June 2008 under the Victims and Survivors (Northern Ireland) Order 2006, as amended by the Commission for Victims and Survivors Act (2008).

The Commission is a Non-Departmental Public Body of the Executive Office. The principal aim of the Commission is to promote awareness of the interests of victims and survivors of the conflict. It has a number of statutory duties that include:

- Promoting an awareness of matters relating to the interests of victims and survivors and of the need to safeguard those interests;
- Keeping under review the adequacy and effectiveness of law and practice affecting the interests of victims and survivors;
- Keeping under review the adequacy and effectiveness of services provided for the victims and survivors by bodies or persons;
- Advising the Secretary of State, the Executive Committee of the Assembly and any Body or person providing services for victims and survivors on matters concerning the interests of victims and survivors;
- Ensuring that the views of victims and survivors are sought concerning the exercise of the Commission's functions; and
- Making arrangements for a forum for consultation and discussion with victims and survivors.¹

In November 2009, the Office of First and deputy First Minister (OFMDFM) introduced a ten-year strategy for victims and survivors. This strategy identified a new infrastructure for dealing with victim and survivor issues that included the Commission for Victims and Survivors, the Victims and Survivors Forum and

¹ The functions of the Commission relate to those set out in the Victims and Survivors (Northern Ireland) Order 2006 as amended by the Commission for Victims and Survivors Act (Northern Ireland) 2008.

the Victims and Survivors Service. These three bodies are now operational and work closely with the Executive Office in meeting the needs of victims and survivors.

The Commission is pleased to have the opportunity to provide a response to the draft Programme for Government (PfG) Framework 2016-21.

This response has been informed by the Commission's experience of working with individuals, organisations representing victims and survivors and commentary from the Victims and Survivors Forum.²

THE NEED FOR A VICTIM-CENTRED APPROACH

The Commission believes that the strategic direction for Government needs to acknowledge the ongoing impact of the past upon society in Northern Ireland.

It is recognised that many years of violence has created a society where much work needs to be done to deal with the legacy issues. This is no more clearly manifest than in meeting the needs of victims and survivors; those whose lives have been disproportionately affected by conflict-related incidents.

The impact of the Troubles on Northern Ireland society cannot be underestimated:

- 3,720 conflict-related deaths between 1966 and 2006³;
- 40,000 injured⁴;
- 213,000 experiencing significant mental health problems⁵.

Behind each statistic are individuals; many impacted through bereavement, physical and/or psychological injury or by providing care for a loved one.

² The Commission issued communication to all Victims and Survivors Service-funded organisations, members of the Panel and individuals requesting updates inviting comments to inform this response on 27 June 2016. The invitation was also published on the Commission's website and Twitter account. Communication from the Commission encouraged responses to the Executive Office, either directly or via the Commission.

³ McKitterick et al (2007) *Lost Lives*, Edinburgh: Mainstream Publishing.

⁴ Smyth et al (1999) *The Cost of the Troubles Study – Final Report*: p.37.

⁵ CVSNI (2015) *Towards a Better Future: The Trans-generational Impact of the Troubles on Mental Health*, Belfast: CVSNI.

Northern Ireland's unique circumstances have been recognised by Government, voluntary and community-based organisations and evidenced by numerous academic studies.

The Strategy for Victims and Survivors 2009-2019 provides a comprehensive approach for taking forward work on a range of issues relating to victims and survivors. The Strategy acknowledges the uniqueness of our circumstances and need for a victim and survivor centred approach:

- The pain and suffering which has occurred;
- The long-term impact of violence on victims and survivors;
- That victims and survivors are individuals and therefore there is no single approach which will suit everyone;
- The need for victims and survivors to be invited to play a part in building a more peaceful future, but that as people who have suffered most they should feel safe, should be treated with dignity and should move at their own pace.⁶

The Strategy's intention to put in place comprehensive arrangements to ensure that the voice of victims and survivors is represented and acted upon at a governmental and policy level continues to shape the landscape for service delivery.

With society still being impacted by the legacy of the past, whether as a result of trauma, periods of violence or through political processes, many individuals require service provision that is nuanced to victims and survivors of conflict-related incidents. It therefore essential that all departments are mindful of the impact of violence inflicted upon society and the Commission **recommends** that the PfG acknowledges the unique circumstances in Northern Ireland.

⁶ Office of the First Minister and deputy First Minister (2009) *Victims and Survivors Strategy*, Belfast: The Stationery Office, p.2.

GENERAL COMMENT

The Commission welcomes the publication of the draft PfG Framework 2016-21. We recognise the challenges of agreeing a policy framework and are pleased that a draft has been issued for public consultation.

The Commission sees the new outcomes-focused approach as a positive development. The Commission also welcomes the Executive's commitment to collaborative working both within and beyond Government to achieve these aims. This approach would echo the strategic direction of travel within the victims and survivors sector.⁷

The Commission welcomes the 14 Outcomes set out in the draft programme and many of the 42 Indicators attached to them. The broad aspirations detailed in the draft - in relation to the society, community, the economy, health and the environment – are areas, once action plans have been developed after consultation, which should contribute to improved wellbeing in Northern Ireland. However, it will be the delivery of the PfG's priorities that will make a difference to people's lives, and we recognise that the detail on delivery and the work of individual departments, both separately and collectively, will be the crucial determinant of success.

VICTIMS AND SURVIVORS

The Commission welcomes the Executive's commitment to "work to resolve the outstanding issues relating to the legacy of the past"; mentioned in the First and deputy First Minister's Foreword. Whilst the Commission recognises this high level acknowledgement, the Commission is disappointed that only one outcome, 'Outcome 8: We care for others and we help those in need', makes specific reference to victims and survivors. The Commission is of the view that one specific reference, alongside historical institutional abuse, is insufficient

⁷ It is acknowledged that robust monitoring and evaluation processes are necessary to measure the impact and effectiveness of support for victims and survivors. Along with the Victims and Survivors Service, funded organisations have been carrying out work to develop systems for capturing more outcome focussed evaluation information. The Executive Office's Collaborative Design Programme is a process of stakeholder engagement, in partnership with the Commission and the Victims and Survivors Service, initiated in order to improve services and support for victims and survivors.

recognition of the significance and the complexity of need that exists in relation to victims and survivors.

The Commission **recommends** an Outcome relating to addressing the legacy of our past. This would not only acknowledge the importance of the needs of victims and survivors, and the impact of the Troubles on our society, but provide the Executive with a clear statement for change and accompanied measurements.

The Commission are also of the opinion that the issue of dealing with the past, as set out in the Stormont House Agreement, is a glaring omission from the draft PfG. This only serves to reinforce the sense of disappointment from victims and survivors, compounded by its omission from the Fresh Start agreement of November 2015. The Commission recognises that this is a difficult and sensitive area to address and efforts are ongoing to move this area forward. However, we **recommend** that dealing with the past needs to feature as a commitment to establishing mechanisms that will assist victims and survivors of the conflict and wider civic society.

Outcome 8's intention of helping and caring for the most vulnerable in our society and ensuring that provision is adequate to meet their needs is welcomed by the Commission. The Executive's stated contribution of addressing the needs of victims and survivors in this Outcome is positive. The Commission also sees the Executive's commitment to working with the voluntary and community sector in relation to delivering this Outcome as an acknowledgment of the good work being delivered at a grassroots level.

Whilst the Commission agrees with the focus of Outcome 8 and many of the Indicators detailed to contribute to achieving the Outcome, the Commission would **recommend** specific conflict-related Indicators in this area. The Commission does however acknowledge that many of the Indicators attached to Outcome 8 are specifically relevant to victims and survivors; particularly improving mental health (Indicator 6) and increasing the quality of life for people with disabilities (Indicator 42).

The Commission acknowledges the financial commitment from Ministers in relation to funding for services targeted at victims and survivors. However, the Commission is concerned about the increasing demand. All schemes delivered under the Victims and Survivors Service's Individual Needs Programme have witnessed an increase in the numbers of eligible individuals accessing support.⁸ Whilst the Commission welcomes that individuals impacted by the Troubles are coming forward to seek help we are concerned about the pressures on services and the sustainability of the sector if demand continues to increase. Additional pressure on support may result in reduced services and impact upon Indicators such as 'Improving mental health', 'Increase the confidence and capacity of people and communities' and 'Increase quality of life for people with disabilities'.

In the context of increasing demand and the Executive's desire to embed collaborative working across society, the Commission emphasises the importance of ensuring that the needs of victims and survivors are met efficiently and effectively. The Commission believes that services for victims and survivors can only be effectively delivered through partnership working and in collaboration with community-based organisations. Not only does this approach avail of the extensive experience and knowledge obtained outside of statutory services, it also empowers individuals by providing choice. This is particularly the case in the victims and survivors sector due to sensitivities associated with the nature of our past.

An important focus for the Executive during this period of government will be the delivery of the Mental Trauma Service. The service will play a significant part in Outcomes 4, 8 and 11 and contribute to measurement data for Indicators 5, 6 and 42.

The Commission hopes that the service will assist with addressing the legacy of psychological trauma linked to our troubled past and that plans for an

⁸ Data provided by the Victims and Survivors Service demonstrates an increase in the numbers of eligible individuals accessing support (3,056 individuals in 2013/14 to 5,109 in 2015/16). Data relating to individuals accessing services are contained in the Commission's Quarterly Review Reports: <http://www.cvsni.org/index.php/policy-and-research/publications>

innovative regional trauma service represents a fitting legacy to the many individuals and families who continue to endure often chronic psychological and emotional issues which are a direct consequence of their experiences. The Commission appreciates that the full details of this service are still in development, however we **recommend** that this positive and significant commitment from the Executive should be specifically referenced and highlighted as attempt to address the trauma associated with our past.

The Commission is pleased to see the Executive's commitment to a safer community contained in Outcome 7. The Commission particularly welcomes the acknowledgement that a safe community is one where paramilitary groups cannot exert influence. The legacy of the Troubles is evident with continuing paramilitary activity and many continue to be impacted by conflict-related violence, threats and intimidation. The impact of paramilitarism on society is well documented and research published by the Commission in 2015 details the impact of interface violence, threats and ongoing paramilitary activity.⁹ The Commission therefore welcomes the commitment to addressing paramilitary activity in the draft PfG. We acknowledge that this will be primarily addressed through the mechanisms established under The Fresh Start agreement. The Commission recognises the holistic and cross-cutting indicators attached to this Outcome as appropriate and broad as it considers crime, the justice system, young people, shared space and reconciliation. However, considering the gravity and uniqueness of paramilitary activity, the Commission **recommends** the inclusion of a specific Indicator.

To assist Outcome 7's objective of a safer community and Outcome 11's desire for high quality public services, Indicator 38 ('Increase the effectiveness of the justice system') is key. The Commission agrees that access to justice and speedy resolution is a vital element of confidence in the justice system. This is particularly the case for many victims and survivors of the Troubles. The Commission therefore reinforces the need for legacy institutions, as detailed in the Stormont House Agreement, to be established as a matter of urgency. Not

⁹ CVSNI (2015) *Towards a Better Future: The Trans-generational Impact of the Troubles on Mental Health*, Belfast: CVSNI.

only would this provide individuals and families with an opportunity to address legacy matters but it would also relieve pressures on the justice system and assist with the measures proposed in Indicator 38.

The Commission agrees with Outcome 3's desire to have a more equal society. This Outcome recognises access to opportunity and acknowledges harmful inequalities, and importantly supporting people who face serious issues as a result of them. In September 2013 the Commission submitted advice to Ministers regarding a special pension for the severely injured. The proposals are aimed at improving the position of those individuals who not only lost the ability to work following their injury(s), but also the ability to accrue occupational pension rights. Individuals who sustained a life limiting conflict-related injury continue to ensure significant discomfort and pain and a pension would recognise these particular challenges to their health and wellbeing and provide a degree of financial security in the years ahead.¹⁰ The Commission appreciates that movement on this area is reliant upon political progress, however, with an ageing population of victims and survivors, it is essential that efforts are made as a matter of urgency. A pension for the severely injured would also assist with the delivery of Indicators 19 and 42. Whilst agreement on a pension for the severely injured is dependent upon political progress, the Commission **recommends** that consideration and preparatory work is addressed under each Indicator, particularly in the development of associated action plans.

The Commission welcomes Indicator 35's commitment to increase reconciliation. Reconciliation is an important element of dealing with the past and in the context of our recent history it should be a priority for our society. The Commission believes that in order to effectively begin a meaningful process of reconciliation mechanisms to deal with the past are required. Therefore the Commission reiterates the necessity for implementation of proposals contained in the Stormont House Agreement. Once a comprehensive package of truth, justice, acknowledgement and reparation measures are in place society will be in a better position to begin a meaningful

¹⁰ CVSNI (2013) *A pension for people severely injured in the Troubles*, Belfast: CVSNI.

reconciliation process. Whilst the Commission agrees with the Indicator we believe that the lead measure, relating to respect for cultural identity, is not an appropriate measure of reconciliation. The Commission is of the view that the proposed measure for Indicator 35 is better suited to Indicator 26. Considering the importance of reconciliation, in the context of a post-conflict society and in the absence of agreed processes for dealing with the past, the Commission **recommends** a new measurement for Indicator 35. Given the sensitivities and importance attached to this area the Commission **recommends** further work in this area by referring to international best practice.

FEEDBACK TO THE COMMISSION

To inform our response the Commission sought the views of victims and survivors. The opportunity to inform the Commission's response was issued to organisations funded by the Victims Support Programme and individual victims and survivors. The Commission also consulted with the Victims and Survivors Forum.

Victims and Survivors Forum

The Victims and Survivors Forum met on 7 July 2016 to discuss the draft PfG. The Forum subsequently provided commentary and recommendations to the Commission in order to inform this response.

The Forum felt that references to victims and survivors in Outcome 8 should be separated from victims of historical institutional abuse and should be 'stand-alone'.

The Forum has advised the Commission that unless Troubles-related victims are uncoupled from victims of historical institutional abuse in the PfG, there will be consequences relating to the mechanisms contained in the Stormont House Agreement. Without the ability to separate victims and survivor specific issues within the PfG, it would prove difficult to measure or see any outcomes, achievements or improvements. The Forum also recognises that, overall, there needs to be a clear political will to work towards desired outcomes.

The Forum also highlighted that there needs to be clearly articulated victim and survivors-specific Outcomes and Indicators based on the eight measures of the Stormont House Agreement. For example, the Forum highlighted achievable Indicators in relation to justice:

- The establishment of key legacy mechanisms in a human rights compliant manner;
- The provision of adequate resources to facilitate the Lord Chief Justice's five-year plan;
- The provision of adequate funding for the Police Ombudsman legacy investigations; and
- The retention of the Human Rights Act which underpins the new policing dispensation.

Of primary concern for the Forum is the lack of specific Outcomes and Indicators for victims and survivors. The Victims and Survivors Forum recommends the following Outcome:

'We are addressing the legacy of the past'

The Forum have recommended the following Indicators for consideration by the Executive:

- Victims and survivors will have access to high quality services that understand and meet their many and diverse needs and are delivered through an ethical and victim-centred approach;
- Establishment of a comprehensive and world class Mental Trauma Service that delivers improvement in the mental health of victims and survivors;
- Advocate - Counsellor's will ensure a high standard of quality advocacy and support to victims by appropriately skilled personnel;

- Oral History Archive – will offer victims and survivors the opportunity to share their own narratives / accounts in an ethical and safe manner;
- A pension for the severely injured will address the impact of violence on those with the highest level of physical need;
- Acknowledgement -The Implementation and Reconciliation Group will be established to oversee emerging themes and produce a report on the information recovered through addressing the legacy of the past;
- Justice - Establishment of an independent and impartial Historical Investigations Unit which is fit for purpose, adequately resourced, and delivers investigations that ensures the protection of individual rights, the safety of individuals and communities and takes a victim-centred approach to supporting victims through the process; and
- Truth - Establishment of the Independent Commission on Information Retrieval which will proffer victims and survivors the opportunity to access information while being supported in an ethical and competent manner.

The Commission recognises the concerns of the Victims and Survivors Forum in relation to victims and survivors and **recommends** that the Executive considers their informed suggestions regarding Outcomes and Indicators.

Individuals

Feedback to the Commission from individual victims and survivors is summarised below:

- A sense of disappointment regarding sufficiently recognising victims and survivors in the draft PfG;
- There is a need for a specific Outcome referring to the Troubles;
- Specific Indicators should reference the legacy of the past;

- Any Outcomes or Indicators relating to victims and survivors should consider principles, such as equality and parity in accessing services, and support;
- A separation of victims and survivors issues from historical institutional abuse due to the distinct difference and complexities attached to each sensitive area;
- There is a requirement for better financial support for victims and survivors and any financial support should not have any impact upon other benefits or support mechanisms;
- Ongoing concern regarding the impact of Welfare Reform on the most vulnerable in our society;
- The need to progress a pension for the severely injured as a matter of urgency;
- Many victims and survivors are unable to address the impact of financial hardship or health needs due to their personal or past employment status. These individuals are not therefore able to access pension arrangements or support through staff associations or certain charities who deliver support;
- Concerns regarding the budget available for the Victims and Survivors Service in the context of increasing demand;
- An effort is required to ensure that health service professionals, particularly at General Practitioner level, are aware of services and support available to victims and survivors;
- Being able to demonstrate improvements in the quality of life for victims and survivors, in relation to services being delivered, is essential;
- Experiences of victims and survivors in urban and rural environments needs to be acknowledged. This is in the context of the nature of conflict-related experiences, isolation, access to services and information;
- Action is required to acknowledge victims and survivors outside of Northern Ireland. This is due to the sense of isolation and inequality felt by victims and survivors outside of Northern Ireland, resulting in low awareness levels regarding entitlement, access to support and general assistance;

- There needs to be an acknowledgement that the nature of devolution – in terms of impact upon financial and social support, eligibility and access to services - impacts upon victims and survivors in different jurisdictions;
- The need for appropriate mental health support nuanced to the experiences of victims and survivors;
- Positivity regarding commitments to improving the lives of citizens;
- Recognition that paramilitarism needs to be addressed in order for society to improve;
- There is a need for society to respect and support those injured and impacted by the Troubles;
- The impact of the conflict on families, in terms of early years development and transgenerational trauma, continues to impact upon relationships;
- A meaningful effort to engage in a process of reconciliation is required;
- Immediate provision of adequate resources to assist the Lord Chief Justice's 5-year plan regarding legacy inquests;
- A commitment to provide immediate additional funding of the Police Ombudsman's Historical Directorate, until such times as the Historical Investigations Unit is established;
- Commitment to the retention of the Human Rights Act;
- Victims and survivors, support groups, civil society, politicians and the two governments have spent time and effort coming up with strategies and mechanisms to deal with the past and these are not reflected in the draft PfG;
- Time is of the essence for many bereaved and injured during the conflict and a commitment from the Executive is required to progress the mechanisms contained in the Stormont House Agreement;
- The inability to establish mechanisms for dealing with the past will continue to restrict society and continue the legacy of the conflict.

The key message emerging from the Commission's consultation was that addressing the needs and issues of victims and survivors should be a priority for Government and a key commitment within the PfG. Numerous individuals

stated that current references in the document were insufficient and a more comprehensive and explicit statement of the Government's commitments to addressing the past is required.

IDENTIFYING KEY PARTNERS

In order to deliver services for victims and survivors effectively, address the legacy of the past and build for the future, collaborative working is essential. The draft PfG demonstrates partnership working as a commitment and the Commission welcomes this approach. The Commission would highlight the following key partners:

- The Commission for Victims and Survivors;
- The Victims and Survivors Forum;
- The Victims and Survivors Service; and
- Organisations funded to deliver services.

In the development of the PfG and forming of action plans the Commission would therefore recommend engagement with these key partners, in line with the Strategy for Victims and Survivors. The Commission also plans to work further with the above organisations and continue to lobby all responsible departments of Government on behalf of victims and survivors.

CONCLUSIONS

Overall, the Commission welcomes and supports the focus of the draft Programme for Government's Framework on achieving Outcomes.

The approach of the Commission for Victims and Survivors to the draft Programme for Government is to assess it against the Executive's key policy framework, namely, The Executive Office's 10-year strategy for Victims and Survivors. It is worth noting that the three key themes of the Strategy, which are already Executive policy, are dealing with the past, developing services to meet assessed need and building for the future. Whilst many of the Outcomes and Indicators in the draft Programme for Government do cover these areas, they are in a general societal context and do not explicitly or sufficiently refer to the impact and ongoing legacy of the Troubles.

The Commission recommends that there is a requirement for an Outcome that specifically refers to dealing with the legacy of the past. The Commission also recommends that specific Indicators are also required in order to adequately deal with the past, ensure the best quality of service provision for victims and survivors and build for the future. The Commission also recommends strategic efforts should be made to ensure that all departments are mindful of the impact of violence inflicted upon society and the Programme for Government acknowledges the unique circumstances in Northern Ireland.

The Commission hopes that the commentary and recommendations set out in this response are of assistance and we look forward to further consultation on the Programme for Government.

July 2016