

**COMMISSION FOR VICTIMS AND SURVIVORS RESPONSE
TO PROGRAMME FOR GOVERNMENT CONSULTATION DOCUMENT
DECEMBER 2016**

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

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.

a new infrastructure for dealing with victim and survivor issues that included the Commission for Victims and Survivors, the Victims and Survivors Forum and 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 Programme for Government Consultation Document.

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 and Panel. The Commission issued communication to all Victims and Survivors Service-funded organisations, members of the Panel and individuals inviting comments to inform this response on 11 November 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. The Commission also consulted directly with the Panel and the Forum on 9 December 2016 hosting a Programme for Government workshop in order to gather the main views of victims and survivors. A summary of the views expressed are highlighted in the recommendations and comments below.

SUMMARY OF RECOMMENDATIONS

1. The Commission **recommends** that the Programme for Government should acknowledge the unique circumstances in Northern Ireland by identifying a specific Legacy Outcome as one of the major outcomes to be delivered over the next Programme for Government period of 2016-2021 and this be added as the 15th outcome.
2. The Commission, therefore, welcomes the commitment to addressing paramilitary activity in the draft PfG, however, considering the gravity and uniqueness of paramilitary activity, the Commission **recommends**

the inclusion of a specific Indicator in order to track the decline in this activity.

3. The Commission **recommends** that an indicator in relation to the establishment and work of the Historical Investigations Unit is added to Outcome 7.
4. The Commission **recommends** that the positive and significant commitment from the Executive to a new Mental Trauma Service should be specifically referenced and highlighted as attempt to address the trauma associated with our past under Outcome 8.
5. The Commission **recommends** the inclusion of a pension for the severely injured is included in the indicators within Outcome 8.
6. In relation to Outcome 9, the Commission recommends that the Good Relations Indicators could be improved upon and looks forward to the development of the Respect Index. 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** developing new measurements in relation to this outcome.
7. In relation to Outcome 10, the Commission **recommends** that Legacy issues do not fit under this outcome and should be elevated to one of the major outcomes to be delivered over the next Programme for Government period of 2016-2021.

LEGACY OUTCOME

The overwhelming views expressed by Victims and Survivors was disappointment and outrage that the legacy of the Troubles has been omitted from the Programme for Government. The Commission is 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 current draft Programme for

Government. 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. The Forum and the Panel expressed the view that the Troubles have impacted on society as a whole so a whole societal response is required. 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, therefore, essential that all departments are mindful of the impact of violence inflicted upon society and therefore, the Commission **recommends** that the Programme for Government should acknowledge the unique circumstances in Northern Ireland by identifying a specific Legacy Outcome as one of the major outcomes to be delivered over the next Programme for Government period of 2016-2021 and this be added as the 15th outcome. An Outcome relating to addressing the legacy of our past 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.

OUTCOME 7

WE HAVE A SAFE COMMUNITY WHERE WE RESPECT THE LAW AND EACH OTHER

The Commission welcomes 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 and that communities are resilient. 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.² The Commission, therefore, welcomes the commitment to addressing paramilitary activity in the draft PfG, however, considering the gravity and uniqueness of paramilitary activity, the Commission **recommends** the inclusion of a specific Indicator in order to track the decline in this activity.

The Commission also 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 only would this provide individuals and families with an opportunity to address legacy matters but it would also relieve pressures on the justice system. The Commission, therefore, **recommends** that an indicator in relation to the establishment and work of the Historical Investigations Unit is added to Outcome 7.

OUTCOME 8

WE CARE FOR OTHERS AND WE HELP THOSE IN NEED

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.

Tackling mental health issues is acknowledged as a major theme in this outcome and the Commission sees the implementation and development of the Mental Trauma Service as a major contributing element that could play a significant part in contributing to this outcome. 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 innovative regional trauma service

² CVSNI (2015) *Towards a Better Future: The Trans-generational Impact of the Troubles on Mental Health*, Belfast: CVSNI.

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 under Outcome 8.

Outcome 8 also has the commitment by Government to improve the quality of life for people with disabilities and their families. 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.³

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 this outcome. 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 indicators within this outcome.

OUTCOME 9

WE ARE A SHARED SOCIETY THAT RESPECTS DIVERSITY

The Commission welcomes the inclusion of Outcome 9 and its 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

³ CVSNI (2013) *A pension for people severely injured in the Troubles*, Belfast: CVSNI.

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 reconciliation process. The Commission would also welcome greater cohesion between victims and survivors issues and those addressed by TBUC and recognises the need for these two areas of the Executive Office to work closer together to address issues.

The Commission would recommend that the Good Relations Indicators could be improved upon and looks forward to the development of the Respect Index. 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** developing new measurements in relation to this outcome.

OUTCOME 10

WE ARE A CONFIDENT, WELCOMING, OUTWARD-LOOKING SOCIETY

The Commission and the Forum are somewhat surprised to find the Legacy of the Past and its impact articulated under the Increased Reconciliation section within this particular outcome. We welcome this being articulated within the Programme for Government but would recommend that it fits better either as a standalone and separate outcome or is a better fit within Outcome 9. The indicators outlined within this Outcome do not refer or link in any way with Legacy issues. Therefore, the Commission would strongly **recommend**, as highlighted above, that that the Programme for Government should acknowledge the unique circumstances in Northern Ireland by identifying a specific Legacy Outcome as one of the major outcomes to be delivered over the next Programme for Government period of 2016-2021 and this be added as the 15th outcome. Parity for victims outside Northern Ireland needs to be considered when addressing issues concerning mental health services, pensions and justice.

CONCLUSIONS

Overall, the Commission welcomes and supports the focus of the Programme for Government 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 still 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 the final agreed Programme for Government.

23 December 2016