



**The Commission for Victims and Survivors (NI)  
response to the Northern Ireland Affairs Committee  
Inquiry on the effect of paramilitaries on society in  
Northern Ireland**

**May 2022**

## Background

1. 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, amended by the Commission for Victims and Survivors Act (2008).
2. The Commission is a Non-Departmental Public Body of the Executive Office (TEO). The principal aim of the Commission is to promote awareness of the interests of victims and survivors of the Northern Ireland Troubles/Conflict. It has several 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 of consultation and discussion with victims and survivors.*<sup>1</sup>
3. The Commission welcomes the opportunity to provide a response to the Northern Ireland Affairs Committee Inquiry on the effect of paramilitaries on society in Northern Ireland. The Commission for Victims and Survivors submit this paper as evidence to the Northern Ireland Affairs Committee inquiry into the effect of paramilitaries on society. We welcome the opportunity to make representation to the Committee on these and other areas of concern.
4. The Commission for Victims and Survivors wish to ensure that policy in practice recognises the imperative that any new or any continuation, augmentation or review of existing work with those connected to addressing criminality and supporting paramilitaries transition is recalibrated. It must adequately resource a victim-centred and trauma informed perspective that rebalances the power dynamic between paramilitaries and their victims.

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<sup>1</sup> 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.

5. This response is informed by the following:

- a. Primary research engagements undertaken at five focus groups with Victims and Survivors and their families in Northern Ireland, Great Britain and the Republic of Ireland in 2022;
- b. Consultation with our Victim and Survivors' Forum;
- c. An Acknowledgement Information Paper submitted to the Executive Office in May 2022 to inform the development of a new Strategy for Victims and Survivors;
- d. CVS consultation responses to the Department of Education's Independent Review of Education and our response to the Department of Justice Review of the Adult Restorative Justice Protocol 2022.
- e. CVS commissioned research published in 2021 entitled "It Didn't End in 1998" undertaken on our behalf by Queens University Belfast;
- f. A 2021 Attitudinal Population Survey undertaken by Lucid Talk which provided the views of 2100 respondents throughout Northern Ireland and can be disaggregated by distance from the border, gender and other demographic factors.
- g. The Commission on Flags, Identity, Culture and Tradition Report published in December 2021 and the May 2002, Committee on the Administration of Justice (CAJ) Dealing with Expression of Hate Expression in Public Space in Northern Ireland.

## **Response to the Inquiry**

6. The continuing presence of paramilitary groupings in Northern Ireland almost 25 years after the signing of the Belfast/Good Friday Agreement represents the most potent threat to the wellbeing of victims and survivors of the Troubles/Conflict. Members of the Victims and Survivors Forum, a body based in statute and representative of the lived experiences of victims and survivors has continued to resolutely insist that the 'past must never happen again'. Despite this, according to the PSNI over 150 individuals have lost their lives linked to 'security-related killings' since 1998.<sup>2</sup> Additionally, many hundreds of individuals and families including children and young people have been harmed, sustaining severe, often life changing physical and psychological injuries as victims of so-called paramilitary-style attacks. Not only are these attacks creating more victims of the conflict's legacy they are also seeking to repress and intimidate many of the communities across Northern Ireland and the Border region that experienced the most intense violence and destruction during the

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<sup>2</sup> Nolan, P., (2018) 'The cruel peace: killing in Northern Ireland since the Good Friday Agreement, 23 April.

Troubles.

7. The Commission's response is focussed on three areas that bring challenges to social and economic prosperity and reconciliation for individuals and communities and, in some cases, bring a risk of radicalisation to new generations of children and young people. These are:
  - Commemorative materials and memorials
  - Victim-centred community-led service provision
  - Coercive control and unelected community representatives

#### *Commemorative materials and memorials*

8. The Commission submitted an Acknowledgment information paper to the Executive Office in May 2022 to help inform the development of a new Victims' Strategy. It notes a concern by respondents about the need to reflect on the impact of existing memorials including ad hoc community responses that commemorate paramilitaries or members of anti-state armed groups.
9. This view was also a concern for the 2,000 respondents to the Commission's 2021 Attitudinal Population Survey which indicates that only 26% of the population consider that existing memorials and commemorative artefacts to the Troubles/Conflict are a positive influence on young people. This in turn complements the findings of the Executive Office Flags, Identity, Culture and Tradition Commission report of 2021 which expressed concern that the numbers of memorials in some areas prevented communities from moving on and slowed down the process of reconciliation and healing.<sup>3</sup> That report noted that memorials in the public realm disproportionately focus on combatants when compared to victims,<sup>4</sup> that acts of remembrance or commemoration relating to the Troubles/Conflict have evolved in a localised and ad-hoc manner<sup>5</sup> and, in these instances, the Commission notes that many memorials can have a negative impact on victims. This is noteworthy when they are utilised for financial gain by both regulated and unregulated tour organisers and operators servicing visitors to Northern Ireland, particularly to the two principal cities. Decontextualizing and providing limited understanding of the circumstances of traumatic loss can act as a trigger to mental health issues by connecting victims and survivors to previous traumas and experiences.

#### *Victim-centred community-led service provision*

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<sup>3</sup> Commission on Flags, Identity, Culture and Tradition (2021) *Final Report*, CFICT: 137.

<sup>4</sup> Commission on Flags, Identity, Culture and Tradition (2021) *Final Report*, CFICT: 133.

<sup>5</sup> Commission on Flags, Identity, Culture and Tradition (2021) *Final Report*, CFICT: 133.

10. The Commission's input to the Department of Justice Review of the Adult Restorative Justice Protocol 2022 draws on the findings of the Commission's and other academic research. There it is identified that when violence has been carried out by paramilitaries and armed groups, transitional justice approaches whilst often framed as being victim-centred or victim-orientated, are in effect, legal processes that often disproportionately focus on the needs and experiences of those who are perpetrators.
11. The Commission advocates for neutral and independent ways to support alternatives to custodial sentences. However, we recognise that victims' needs can become peripheral in a top-down legal process rendering them and their rights subordinate to the system and those of the perpetrator. Restorative justice programmes can prove to be particularly problematic for some victims and survivors when there is a perceived or actual historical or contemporary connection between community-based restorative justice providers and the families of staff connected to them to former armed groups and paramilitary organisations. We are therefore concerned about ensuring that restorative processes evidence independently evaluated programmes with clear and appropriate processes that mitigate against potential conflicts and that at all times ensure they are trauma informed and victim centred.
12. Within the context of the mental health and well-being of victims and survivors, the need for GP referrals into the development of the new Regional Trauma Network might not appear to have direct relevance to this response. However, many community-based health and well-being services providers are based in communities where armed groups and paramilitary activities are or have been resident and have had an active presence. This is sometimes simply 'local knowledge' that can also be evidenced through the material culture of murals, emblems, graffiti, and the flying of flags in the locale. Consequently, there are concerns for the Commission of the operational risks and duty of care responsibilities connected to collaborative working between the Department of Health, Health Trusts and other statutory service providers and the location of their community-based partners providing mental health services to victims and survivors. This concern needs to be front and centre of the implementation of the outworking's of the Regional Trauma Network. Standards and frameworks must be in place to ensure that any referrals recognise that there may be perceived conflicts of interest by victims and survivors in relation to their level of comfort or feelings of trust and safety in accessing services in particular locations or with the history connected to particular service providers.

## *Unelected Community Representatives*

13. The impact of coercive control in communities and a culture of ‘toxic masculinity’ and connection to criminality is a well-rehearsed norm within society here that is the subject of many existing government policies including the Northern Ireland Executive’s Programme for Tackling Paramilitarism and Organised Crime. The outworking of these have been well resourced and the subject of evaluations which rely on existing structures and systems within communities. Little attention has been given to date to the role that victims and survivors from across community divisions are best placed to address this from a peace-making and reconciliation framework by supporting those providing existing or new work from within single identity. Drawing on the lived experience of our Victims’ Forum, the Commission believe that there are many victims and survivors from different backgrounds who have experienced adequate post-traumatic growth to provide peer support and a challenge function to those existing and well-resourced community-based organisations that continue to predominantly service single identity communities including those where women are often the principal carers and have less economic independence than men.
14. Airtime and focus within the local media given to the opinions of unelected community representatives can fuel the status of individuals with connections to criminal and paramilitary organisations. The concerns outlined earlier, also mirror responses elicited from the Commission’s Population Survey undertaken in 2021. This indicates that only 18% of the population region-wide consider unelected community leaders being a positive influence on young people who are related to victims and survivors. Furthermore, the survey indicates that 91% consider that paramilitaries and 75% consider that unregulated flags on street furniture and lampposts have a negative influence on young people.<sup>6</sup> It is noteworthy that the population survey can be disaggregated by, gender, age, local authority area, distance from the border and other demographic features.

### **NIAC Terms of Reference**

15. With regard to the Committee’s terms of reference, and its relationship to the three points raised above, the Commission adds the following considerations, noting that it is time to change the focus from perpetrators to victims:
- *Whether the UK Government, NI Executive and Irish Government are working effectively together to achieve a society free of paramilitarism.*
16. There are different operational approaches being deployed in each jurisdiction

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<sup>6</sup> Lucid Talk (2021) *Northern Ireland (NI) Attitudinal Poll – Commission for Victims and Survivors*, August.

with different levels of support provided to transition to a society free from paramilitary influence. In each, well-resourced programmes emanating from within the domains of criminal justice systems continue to have a focus on perpetrators and not victims. Addressing this will change the focus, capacity and motivation of key stakeholders to contribute to change. The outworking of the two bills announced in the State Opening of Parliament (May 2022), can ensure that matters relating to the legacy of conflict on the identity of victims and survivors can support this process.

- *Whether the approach of the UK Government and NI Executive to tackling paramilitarism is sufficiently sustained, resourced and joined-up.*

17. A more integrated approach that is victim rather than perpetrator centred approach to this work would be beneficial to changing hearts and minds. The Commission notes the May 2022 CAJ report Dealing with Hate Expressions in public Space in Northern Ireland and the reluctance of different agencies to evidence leadership and responsibility for low level public displays of sectarian activity which can cause division and sympathy for paramilitary presence.

- *How effective measures under the Fresh Start Agreement have been in combining police and justice measures and tackling socio-economic issues to eradicate paramilitarism in Northern Ireland.*

18. There are many clear instances of how the legacy of armed and violent conflict within communities is being promoted and marketed in an unregulated fashion, to fuel a range of commercial interests. This is evident, for example, in how aspects of the tourism culture and heritage activities present to those from and visiting Northern Ireland. An ethical framework would assist the development of a range of standards and principles to support this work ensuring that there is no further profiteering from sites of suffering or associated to paramilitary activities.

19. Links between criminality and paramilitary activity are not clearly made in much media reporting and remain unclear for those who are not connected to the criminal justice agencies.

- *What the socio-economic effects are of paramilitaries on communities in Northern Ireland?*

20. Victims and survivors of the conflict have historically and disproportionately been impacted by poverty. There are links between victim makers/criminals/paramilitaries to those who are victims of poverty. The strengthening of legislation, due diligence enforcement, and regulation of activities that impact on cash businesses and the shadow economy will improve

the life experiences and circumstances of all citizens, not least victims and survivors.

21. The Commission's response to the Independent Review of Education proposes a curriculum review opportunity to enable young people at an early age to be more informed and reduce the likelihood of romanticisation of attachment to the ideologies of violent and armed paramilitary activity undertaken for political as well as criminal ends.

- *Whether there should be a dedicated formal process of engagement with paramilitary organisations aimed at their disbandment.*

22. Some 25 years after the signing of the Good Friday Agreement there have been many dedicated and formal processes of well-resourced engagements with paramilitary organisations to support transitioning. Many have been supported to develop into successful charities, social enterprises and community interest companies, others less so. However, very few victims and survivors have been afforded these opportunities. It is perhaps the time to focus on the contribution they can make to helping with the disbandment process by broader acknowledgement and accountability work within communities and the educational sector.