

2003

POLICY PAPER



A VOICE FOR VICTIMS

The Democratic Unionist Party's policy
on *Innocent Victims* of terrorism



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The issue of victims in Northern Ireland is one of the most sensitive which has to be dealt with. People who have suffered most throughout the years of terrorism must be dealt with in an appropriate and sympathetic manner.

There have been not only the large scale atrocities with multiple deaths which are seared onto everyone's mind, but there are also the countless individuals who have faded from the public memory.

All areas of Northern Ireland have suffered and there are victims from every town and village. However, the issue of victims has not been given the prominence it deserves and has largely been pushed to the sidelines. What is necessary is that victims feel their plight is recognised and that they have a voice which is listened to.

The Belfast Agreement did not deal with the issue of victims effectively. The political parties involved in the Agreement only dealt with the issue superficially and many victims were isolated by the linkage of victims to those who were responsible for creating victims and suffering during their campaign of terror.

There must be new thinking to deal with victims' issues and at the heart of this must be a willingness to listen to what the victims are really saying and to put those views at the centre of any strategy to deal with the issue.

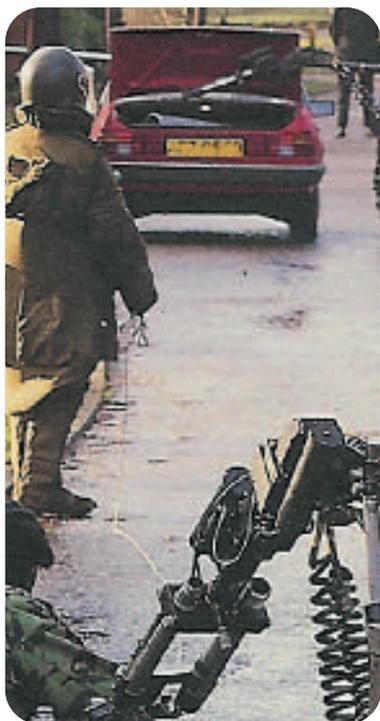


VICTIMS - AN ISSUE OF HUMAN RIGHTS

The processes of recognising human rights, establishing human rights in international law and affirming fundamental human rights have been part of the conclusion of every conflict across the globe in the years since World War One. This process still continues today in an attempt to protect the rights of the individual from violation.

As part of an overall consultation on a Bill of Rights the Northern Ireland Human Rights Commission produced a report 'Human Rights and the Victims of Violence': June 2003). The DUP has already responded to the consultation documents from the Commission in our policy document 'A Bill of Rights for Northern Ireland? A Unionist Vision' (policy paper 2003).

In acknowledging human rights and victims of the conflict, we are at odds on principle with the very starting point of the Commission and the Government in addressing the issue. We contend that there is a fundamental distinction between those who have suffered at the hands of terrorist gangs and those terrorists and former terrorists who contributed to the terror campaign and wrought untold suffering through the period of the Troubles.



Victims – a clear perspective

A fundamental right of any human being is the right to be allowed to live life free from the fear or threat of violence and intimidation. Through a campaign of politically motivated violence, terrorists denied thousands of victims and their relatives that right over more than thirty years of terrorism.

We do not accept that those who carried out terrorist violence had the right to engage in any activity or perform any act that would destroy the rights of others. To take any other position would be to compromise a basic principle and leave the way open to further undermine the notion of victims in the Northern Ireland conflict.

The human rights of the victims over thirty years of conflict are given consideration in the consultation document 'Making A Bill Of Rights' issued by the Northern Ireland Human Rights Commission. However, the Commission fails to make an adequate and clear distinction between terrorists or former terrorists who were perpetrators of violence and those who suffered at their hands. We believe this must be addressed if the human rights of the victims of terror are to be seriously considered.

Proper recognition for victims

The DUP simply demands a fair and sensible recognition of the victims of terror. Clouding the issue or applying a one-fits-all definition merely concedes to the principle of political expediency. It is unhelpful and will fail to contribute to achieving reconciliation. To argue that everyone is a victim is to facilitate those who would minimise their own role in contributing to the terror and to the consequences of their actions. This is skewed thinking and it establishes a false foundation for a new beginning.

The rights of those who have suffered at the hands of the terror machine, and continue to suffer, should not be pushed to the background in the false hope of achieving reconciliation. Their pain and suffering, which is a daily experience for many victims, will not go away. Where there is no justice or unreasonable recognition there can be no healing.



We believe that an important part of the healing process and a confirmation of the rights of the victims of terrorist violence require the perpetrators of that violence to provide reparation to those who have suffered at their hands. The IRA and loyalist terror organisations are responsible for violations against the human rights of their victims and should provide reparation. The DUP believes that the fact that they are unwilling to countenance such action throws a clear light on their attitude to their victims and to their violence. How can there be a new beginning when the terrorist organisations only pay lip service to their victims? Actions are symbolic of commitment to change.

Has the government got it wrong?

The Victims Unit established by government in April 2002 sets out its strategy for delivering practical help and services to victims of the conflict, yet fails substantively to address issues relating to justice or restitution for the loss victims have suffered or the emotional or physical burdens they have been left to contend with. Restitution must involve the effort of government to, as far as is possible, restore the victim to their original situation or give them a sense of justice.

The DUP does not endorse the wide ranging definition of victims given by the Human Rights Commission or expressed in the Programme for Government, as it could include terrorists within the definition of victim in any future Bill of Rights for Northern Ireland or in any compensation arrangement. We believe this would be detrimental to the well-being of innocent victims by exacerbating their pain and contributing to their suffering.

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THE NEEDS OF VICTIMS

Each victim and their family all have individual needs. Often one of the main things that victims want is a recognition of their situation. Each individual victim in Northern Ireland has a story. Many of these people having long since faded from the public memory but those who have suffered have been hurting for many years.

Individuals often do not have a strong enough voice to raise the profile of their own case or are not able to articulate their needs. It is vitally important that the support groups which have developed are supported and encouraged.

Victims groups have developed through the work of people who gave their time voluntarily and have become an important way for victims to not only express their needs, but they also provide much needed services such as counselling, training and support.

The needs of victims and the priorities of these groups must be highlighted and these needs must be recognised by Government and form the cornerstone of Victims' Strategies. All too often in the past it has simply been what Government has assumed is important to victims, not what really matters.

Again, victims' support groups can be key to this as they best represent what their members wish to see happen.



Justice

One of the demands of many victims groups is the need for justice and for victims to know that there still are active investigations into unsolved murders which to many people seem to have been passed over either because there is insufficient police resources to carry out the investigation, or that an investigation into a particular crime would not be beneficial for the 'peace process'.

There are almost 2,000 unsolved murders in Northern Ireland and while it would be impossible to direct large numbers of police solely to investigate these, there are cases such as the Enniskillen bombing and the Tullyvallen massacre where either new evidence has become available, or it is felt that investigations were not fully carried out for whatever reason.

The principle of justice has also been thrown away through the Joint Declaration and the proposed amnesty for so-called 'On The Run' terrorists. This proposal would see terrorists who committed offences, but were never convicted, able to return to Northern Ireland with no fear of prosecution.

We call upon the Government to make sure that all such cases are investigated fully and that, where possible, prosecutions are brought despite whatever time may have elapsed since the event.

After much political pressure there was an enquiry instigated to investigate the events which happened on what has come to be known as Bloody Sunday. There have also been calls for other such enquiries, mostly in cases where it is perceived that there has been wrongdoing by the State and incidents in which the nationalist community have been perceived to be victims.

There are almost 2,000 unsolved murders in Northern Ireland... the principle of justice has been thrown away...



There are other cases where enquiries have been called for, such as the Claudy bombing or the La Mon atrocity but as yet there has been no indication that further investigations will be held. It must not be the case that enquiries are held simply because of political pressure brought to bear by one political party, or by one side of the community. There must be some sense of balance in enquiries and not as the situation is at present where unionists feel that an enquiry has been granted mainly in cases in which nationalists feel that their community has suffered.

A Truth Commission is one proposal by which some people think that 'closure' can be brought on what has happened. In somewhere as small as Northern Ireland this proposal is unlikely to be successful and while the State would have to be fully accountable and would be required to co-operate fully and to disclose all information fully to such a Commission, the terrorist groups would have full control over their level, or lack, of participation.

We feel that a Truth Commission would not only be unworkable in Northern Ireland but would serve only to hold those who served in the Crown Forces to account for their actions while terrorists can hide behind the cloak of anonymity.

Compensation

When many of the killings in Northern Ireland took place, compensation was not an issue and many who have suffered have not received adequate recompense. This meant that often the levels of compensation offered to those whose relatives were murdered was often minimal. In one particular case, a mother and daughter received £11,000 for watching their husband and father gunned down.

This level of compensation is put in perspective when compared to the £9,000 which was paid to Sinn Fein/IRA member of the Assembly Gerry Kelly when he was a 'victim' of the RUC after being struck with a truncheon. There has also been the case where the families of the Loughgall terrorists were awarded £40,000 in compensation.



We call for the speedy processing of claims by those victims who feel they were not fairly treated by the Compensation Agency and the Northern Ireland Office with regard to their claims. Time should also not be used as a barrier for those families who did not lodge a claim at the time. These families' claims should be processed and dealt with swiftly.

We welcome the decision by the Government to review how injuries are assessed for compensation claims after complaints about the assessment of scars. We would hope that when the final results of this review are announced that a more 'victim friendly' approach to this assessment will be implemented.

It must be remembered that the victims of terrorism will not always display physical scars. Those suffering from mental trauma as a result of terrorism should be assessed on a par with those suffering from physical injuries. Compensation levels awarded should also reflect this.

Victims of terrorism do not always display physical scars...

Funding

We believe victims' support groups are central to the efficient production and delivery of victims' strategies. Because of this it is vital that these groups receive the funding that is crucial to their survival. It is also imperative that future funds are guaranteed so that the threat of funding removal is not hanging over their heads when planning for the future. At present it is impossible, unless through private fundraising, for these groups to improve their facilities.

Victims groups and particularly smaller groups also require funding to advertise their services. It still is a problem that many of the people who most require help either do not know that it is available or are reluctant to come forward. Funding which allows these groups to reach out to more people will increase their usefulness amongst the people who need their services the most.



On first inspection it may seem that there is adequate funding for victims' issues. For example the Peace II funding which runs through until 2004 provides £6.67 million. However, it is not just the groups representing innocent victims of violence who are eligible to claim this money. It is also open to the numerous ex-prisoners' groups which have spiralled in number over the last few years. Indeed there are many more groups representing ex-prisoners, than there are groups representing the victims of terrorism.

This fact is borne out by any analysis of the funding which has been allocated over recent years. For example, in response to an Assembly question put by Nigel Dodds, the Minister of Finance and Personnel revealed that in 1999/2000 the NIVT allocated European Union and Government funding to 64 groups which either directly represented prisoners or which gave funding to prisoners groups.

Funding from Government must be directed so that it benefits directly those who are the victims of terrorism and is not spread across the victims' sector as it is currently defined by Government. The funding which is supposed to help victims should not be siphoned off to help rehabilitate terrorists.

The Northern Ireland Memorial Fund was established with the aim of providing support for victims. The concept of the fund is commendable, but there have been some problems associated with it. There has not been sufficient consultation amongst victims either to make them feel included in the process or to get a sufficient view of what victims' needs actually are. The NIMF states that they have only touched base with 10% of the victims in Northern Ireland. This figure would need to be much higher if they are to make a worthwhile contribution to victims' issues.

Currently there are no victims representatives sitting on the Board of the NIMF. This only increases the sense of isolation that victims feel towards many of these bodies and towards other Government initiatives in general.



VICTIMS COMMISSIONER

We have already stated that the arrangements for victims need to become detached from the political institutions brought about by the Belfast Agreement. Indeed it would be advisable to make sure that the issue of victims is dealt with independently from the political framework.

Under the Belfast Agreement many victims felt detached from the political institutions and there is often a suspicion about victims' initiatives which come from government. Many victims feel that these initiatives are often partly or wholly politically motivated instead of being solely the needs and benefit of the victims themselves.

It is for this reason that we would propose that victims work should be dealt with through an independent Victims Commissioner. A Commissioner would be able to address the needs of the sector and can help to join up policy between Government Departments, which at present is very disjointed. The Commissioner would also be able to act as a watchdog and hold Government Departments to account.

The Victims Unit of OFMDFM has produced strategies which have only looked at the short-term. They have also been able to identify problems without effectively identifying any real solutions. A Victims Commissioner would be able to work with the Victims' Unit as well as other Government Departments to make sure that policies relating to victims are produced and implemented in order to give maximum benefit to the victims which they are supposed to help.



A Victims' Commissioner will be able to liaise with victims groups who can provide not only the information to help the success of a strategy, but their input will also be vital if a strategy is to have credibility. Indeed it will be vital that a Commission works closely with victims, their support groups and support workers if the Commission itself is to have credibility.

The main thing is that a Commissioner would provide victims with an independent voice which would allow them to feel included in Government activities which are there to help them, but from which they have often felt excluded.

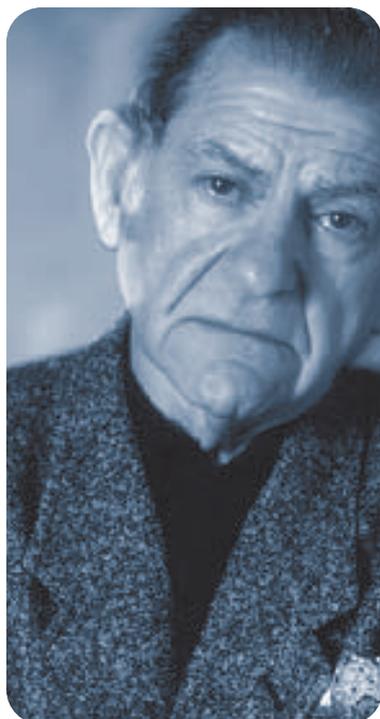
The Commissioner's main functions would be:

- 1. MONITOR:** The Commissioner will monitor victims' strategies produced by Government and will also make sure that the policies relating to victims are implemented across the Departments.
- 2. WATCHDOG:** The Commissioner would receive and comment on draft legislation as well as keeping existing legislation and policies under review with regard to how they affect victims. Where changes are required the Commission can submit recommendations.
- 3. ADVISE:** The Commissioner would advise the Secretary of State and the Northern Ireland Assembly or any future devolved administration on matters relating to victims.
- 4. OMBUDSMAN:** The Commissioner would advise victims regarding their rights or in making complaints. It could also provide assistance, including financial assistance to victims in regard to legal proceedings.

Under the Belfast Agreement many victims felt... initiatives are... politically motivated...

These would be the broad areas of activities for the Commissioner, but before the post is established there would need to be consultation, especially amongst victims and their support groups. The other areas which would need to be looked at would be the terms of office for the Commissioner.

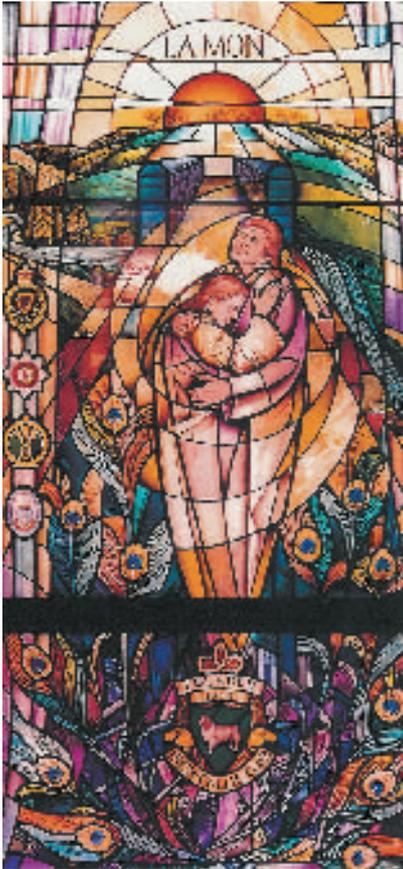
As well as being able to hold Government to account, there is also the obvious need for transparency and accountability. The Commissioner would have to be accountable to the Public Accounts Committee at Westminster and would be required to go before the Northern Ireland Select Committee for questioning.



CONCLUSION

It is clear that there is dissatisfaction from victims as to the way that Government has handled Victims' Strategies and the whole way that victims' issues are handled.

There must be some fundamental changes made so that the victims' sector is made more accessible to those who it is supposed to benefit and so that confidence can be built in Government initiatives towards victims.



- The definition of a victim must be redefined. The current broad definition used by Government simply alienates many victims and has added to the alienation of many victims.
- Victims and their support groups must be central to the consultation process when it comes to the production of Victims' Strategies by Government. These groups must be used by the Government as the conduit for victims' needs and not treated as an obstruction to be negotiated.
- Investigations into unsolved murders in Northern Ireland must be continued and the search for justice not abandoned. A Truth Commission is an unnecessary and unworkable proposal.
- Those victims who are dissatisfied with compensation claims must have these investigated and processed as quickly as possible. A 'victim friendly' approach to the assessment of injuries for compensation must be introduced.
- Victims groups must be sufficiently funded so that they can operate successfully and the funding must be ring-fenced to protect it for the benefit of victims and not spread to allow the inclusion of ex-prisoners groups.
- A Victims Commissioner should be established which can provide an independent voice for victims. This Commissioner can assist with the production of Victims' Strategies and act as a watchdog for victims.



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