



[About](#)
[Introduction](#)
[Background](#)
[Archive](#)
[Policy](#)
[Groups](#)
[Memorials](#)
[HumanFace](#)

Word Search

'Remembering': Victims, Survivors and Commemoration  
**Victims' needs in post-conflict Northern Ireland:  
 an analysis of government policy between 1997 and 2007**  
 by Dr Sara McDowell (2007)

## Introduction

The promise of peace that accompanied the inception of the 1994 paramilitary ceasefires provided a new space for reflection and as attempts were made to achieve political progress victims' issues moved up the political agenda. In 1997 Labour Secretary of State, Marjorie ('Mo') Mowlam announced government plans for investigating the possibility of remembering and commemorating the victims of the Northern Ireland conflict. Sir Kenneth Bloomfield was appointed to lead a six month consultation process with a range of groups and organisations throughout the region to ascertain victims' needs. The Bloomfield Report entitled *We Will Remember Them* (Bloomfield, 1998) marked the first government initiative in relation to victims. The issues it raised were to become an integral part of policy for much of the next decade.

Government policy between 1997 and 2007 has been informed not only by changes in the political landscape but by international pressure and global comparisons. Pressure from the USA for example, triggered the reopening of a series of disputed or contested killings while policymakers have frequently looked to South Africa's relative post-apartheid success in the victims' arena as a model for Northern Ireland. The problems encountered by the British government, the Northern Ireland Office (NIO) and the Republic of Ireland government throughout this period are testament to the continuing challenges facing policymakers within the highly contested and emotionally-charged victims' arena in post-conflict Northern Ireland.

## British government and the Northern Ireland Office

### Victims' agencies

#### *Victims Liaison Unit*

Under the recommendation of the Bloomfield Report Sir Adam Ingram was appointed as Minister for Victims within the Northern Ireland Office (NIO) in March 1998. He set about establishing the Victims Liaison Unit to provide a central body to deal with victims' issues. It was responsible for:

- supporting ministers in the NIO;
- managing core funding for victims' support groups;
- managing grant aid to the Northern Ireland Memorial Fund;
- ensuring victim issues are dealt with in the reserved and excepted fields in Northern Ireland, particularly in areas such as compensation, criminal justice, security and dealing with the 'disappeared'; and
- articulating the case for victims in the reserved and excepted fields.

The Victims Liaison Unit initially worked alongside the Victims Unit however areas of responsibility were gradually passed to the Victims Unit and the Victims Liaison Unit closed at the end of January 2005.

#### *Victims Unit*

Victims' issues became the responsibility of the devolved administration following the signing of the Good Friday Agreement in April 1998. In 2000 the Office of the First Minister and Deputy First Minister (OFMDFM) established the Victims Unit ([www.victimsni.gov.uk](http://www.victimsni.gov.uk)) and gave the then junior ministers, Denis Haughey (SDLP) and Dermot Nesbitt (UUP), the specific responsibility of dealing with victims-related issues. The Victims Unit which worked in conjunction with the Victims' Liaison Unit was responsible for:

- supporting ministers in the devolved administration;
- developing a suitable programme under PEACE II to address victims' needs;
- ensuring the needs of victims are addressed in the devolved administration including the management of an interdepartmental working group on victims' issues;
- ensuring that the commitments to victims contained in the draft programme for government are met; and,
- articulating the case for victims within the devolved administration.

Given the complex and varied nature of victims' issues it was necessary to retain the Victims' Liaison Unit within NIO. However by the end of January 2005 the responsibilities of the Victims' Liaison Unit passed to the Victims' Unit.

## Consultations, Inquiries, investigations, and reviews

### *Consultations*

In June 1998 Adam Ingram, then Minister for Victims, announced a three month consultation exercise on the recommendations outlined in the Bloomfield Report. A consultation exercise into the social exclusion of victims was also launched by the Social Security Agency with the full support of both the Victims Liaison Unit and the Victims Unit.

### *Inquiries*

Since 1997 there has been a considerable amount of pressure exerted on the government to reopen or establish fresh inquiries into a number of controversial killings, many of which have never been resolved. One of the most publicised calls emanated from the families of the 14 victims of state-shootings in Derry 1972. In January 1998 Tony Blair announced that there would be a second Inquiry into the events of 'Bloody Sunday' ([www.bloody-sunday-inquiry.org.uk](http://www.bloody-sunday-inquiry.org.uk)) on 30 January 1998 when British paratroopers shot dead 14 men during a civil rights march in Derry (Blair 1998). Blair's decision was based on the premise that not all the evidence had been considered during the Widgery Inquiry set up in the immediate aftermath of the shootings. The reopening of the Bloody Sunday case marked an important departure in government policy in regard to state violence and inspired other families of people killed in disputed circumstances to lobby the government for answers.

The issue of the 'disappeared' emerged on the government's agenda in April 1999 (Gay 1999). During the 1970s and early 1980s republican paramilitaries, mainly the IRA, abducted and killed fifteen people and secretly buried their bodies. The 'disappeared' ranged from alleged informers to a widowed mother of ten who gave assistance to an injured soldier outside the front door of her home. In April 1999 as part of a joint initiative with the Republic of Ireland government, Adam Ingram established the Independent Commission for the Location of Victims' Remains (ICLVR) to locate the bodies of the 'disappeared'. The IRA worked with the Commission and revealed six locations thought to hold the bodies of eight people. Only four bodies of the fifteen thought to have been killed have been recovered to date (May 2007).

Accusations of collusion between security force agencies and paramilitary organisations resulted in the number of government policy initiatives. In August 2002 the UK government proposed the appointment of a judge of international standing to investigate allegations of collusion in the deaths of seven people including Pat Finucane, Rosemary Nelson, Billy Wright and Royal Ulster Constabulary (RUC) Superintendent Bob Buchannon.

The creation of the Police Ombudsman's Office in 1998 provided an independent impartial complaint system which has been persistently lobbied for the reopening unsolved cases. In January 2007, Police Ombudsman Nuala O'Loan published the report into 'Operation Ballast' which found evidence that implicated members of the RUC Special Branch in a number of killings in North Belfast.

### *Investigations*

Pressure to re-investigate unsolved killings resulted in a number of government measures. In January 2006, for example, the government allocated £30 million pounds for the establishment of a Historical Enquiries Team (HET) to investigate some 2,000 unsolved murder cases.

### *Reviews*

In September 1998 a review body was established to solicit ideas about the Criminal Injuries Compensation Scheme. Its primary objective was to advise the government on the fitness for purpose of the criminal injury compensation arrangements in Northern Ireland in regard to those who have suffered throughout 'the Troubles'.

## **Funding**

Between 1997 and 2007 the British government allocated £36.4 million to victims' initiatives and the European Union provided a further £7.6 million. This money has been used to finance a number of diverse schemes as well as providing compensation for those affected by violence in Northern Ireland. One of the first funding measures came shortly after the publication of the 1998 Bloomfield Report when the government allocated an initial £5 million package for victims, some of which went towards the establishment of the Conflict Trauma Resource Centre in Belfast. Also part-financed was the Memorial Task Fund, a scheme set up in 1998 to address victims' needs. Although not primarily a state scheme, the fund received monies from the Victims' Liaison Unit within the Northern Ireland Office (NIO) and the UK government. It worked on the premise that those who had suffered bereavement or injury throughout the conflict should be remembered in a "practical and meaningful way". Packages included: discretionary hardships (only available to those who lost a spouse or sustained ongoing physical or emotional damage as a result of their injuries); short breaks, winter assistance for those over the age of 60 and educational and training schemes. Eligibility for inclusion on these schemes included those who had lost a:

- spouse or partner;
- parent;
- child;
- brother or a sister; or
- grandparent.

Others eligible for inclusion were those who:

- suffered physical or psychological damage that was still ongoing; or
- cared for those who had sustained ongoing physical damage as a result of a conflict-related incident.

In September 1999 the Northern Ireland Memorial Fund was allocated a further £4 million from the British Government.

In January 1999, an educational bursary worth some £250,000 to assist individuals whose education has been negatively affected by 'the Troubles' was launched. Applicants had to meet three criteria:

- Personal circumstances: those applying must have either lost a parent / significant other or must have been affected physically or psychologically during the Troubles;
- Impact of the Troubles: applicants must be able to illustrate clearly the affect of the conflict on their education i.e. dropping out of school, loss of confidence etc;
- Educational benefits: applicants must be able to identify a clear link between the money needed and the benefits of education.

Victims' initiatives gained momentum in April 2001 when the Victims' Liaison Unit allocated a further £12 million to schemes for victims and survivors in Northern Ireland. In November 2001 the government allocated £11 million to widows of RUC officers who were killed throughout the conflict.

Victims of the conflict were not however confined to Northern Ireland and in July 2001, the then Victims Minister Des Brown announced the allocation of £500,000 to victims of the Northern Ireland conflict in Great Britain whilst on a visit to the Warrington Peace Centre.

Following a series of campaigns by victims' groups to reopen disputed and contested killings the British government in January 2006 allocated £30 million to the Historical Enquiries Team (HET) to re-investigate some 2,000 unsolved murder cases.

## Reports

### *We Will Remember Them*

Published by Sir Kenneth Bloomfield in April 1998, *We Will Remember Them* was the first government sponsored report to deal with victims' issues in 'peacetime' Northern Ireland. It solicited views from a cross-section of society on how to acknowledge or commemorate all those who died and suffered as a result of the conflict. Bloomfield was unable to reach any consensus on how the victims of 'the Troubles' might collectively be commemorated or acknowledged but did make a series of recommendations on how government policy should go forward. Despite soliciting views from across the political spectrum and from a range of victims' groups, the report aroused some controversy as it contained references to 'innocent' victims and thus by implication 'guilty' victims. For example, Fírinne, a Fermanagh based victims' group representing the victims of state violence, condemned the report on the grounds that it had 'sowed the seeds of elitism' and set the standard for a hierarchy of victims. It should be noted however that all but one of the references to innocent victims appeared in an appendix to the main report which was a listing of suggestions submitted to the Commission.

### *Living with the Trauma of the 'Troubles'*

Since it was established the Victims' Unit has commissioned research into a number of issues affecting victims much of which contributed to the shaping of government policy. *The Living with the Trauma of the 'Troubles'* report (Social Services Inspectorate, 1998) aimed to examine and promote the development of services to meet the social and psychological needs of those individuals "affected by civil unrest". One of the most significant consequences of this report (and the Bloomfield Report) was the establishment of Trauma Advisory Panels which were set up throughout Northern Ireland in 1998/1999 following recommendations that a multi-agency panel should be set up in each Health and Social Services Board area in Northern Ireland to co-ordinate the provision of services for victims in response to local need.

Trauma Advisory Panels aimed to:

- facilitate the co-ordination of services for victims/survivors of the Northern Ireland conflict within their designated area;
- enhance the cohesive network of partners working with agreed objectives to promote and develop better services for victims/survivors of the Northern Ireland conflict;
- provide a forum for improved understanding and addressing identified and emerging needs of victims/survivors of the Northern Ireland conflict;
- assess the training needs of the appropriate professionals and victims'/survivors' groups and provide training programmes accordingly; and
- work collaboratively with key organisations, victims/survivors and victims'/survivors' groups to develop methods for tackling the needs of victims/survivors.

### *The Cost of the Troubles Survey*

In 1999 Adam Ingram, then Minister for Victims, commissioned a survey (Fay, et al., 1999) to map the social consequences of thirty years of violence and assess the provisions for victims in the public sphere. It advocated the establishment of:

- a body to promote those affected by the Troubles;
- an independent public body to monitor public consultation and fund-raising; and
- a museum of the Troubles

This survey was intended to shape government policy in this area and resulted in the publication of a report into voluntary groups serving the needs of those bereaved and injured in the Northern Ireland conflict. Its primary purpose was to identify and list those community organisations and groups working within the voluntary sector who offer services to this group.

*Reshape, Rebuild, Achieve*

The *Reshape, Rebuild, Achieve* report (Victims Unit, 2002) was launched by the Victims Unit in April 2003 detailing practical help for victims of the conflict. Promoting its values as victim "centred, equitable, inclusive, focused and integrated", the report was one of the first government documents to define the term victim. Defining 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 the close relatives or partners who mourn their dead", the document explored a number of possible ways to deliver effective services to the victims and survivors of conflict in Northern Ireland. These included providing recognition for victims, access and information, health provisions, education and learning opportunities, developing business skills for victims, housing provisions and addressing victims' needs in rural areas in particular.

*Our Journey towards Healing: Mind, Body and Spirit*

In January 2004 the Victims' Unit published a report (Victims Unit, 2004) into the roles played by church leaders and members of faith communities within the victims' arena in post-conflict Northern Ireland. Based on the findings of a series of seminars which brought church leaders and members of faith communities together, the report documented feedback from a number of different churches groups and compiled a comprehensive list of services offered to those suffering as a result of conflict in Northern Ireland.

*Services for Victims and Survivors Consultation Document*

Building on the findings of *Reshape, Rebuild and Achieve*, the *Services for Victims and Survivors Consultation Document* published by the Victims Unit in March 2005 (Victims Unit, 2005), dealt primarily with the possibility of appointing a Victims and Survivors Commissioner as well as detailing how services for victims could be delivered effectively. A new Interim Victims' Commissioner was appointed in October 2005.

*Interim Victims Commissioner's Report on the Services for Victims and Survivors*

The Interim Victims Commissioner Bertha McDoughall, published her report (McDoughall, 2007) into the victims' needs in January 2007. She outlined three areas requiring urgent attention.

## 1. Funding:

- The phasing out of the Memorial Fund by 2007 and the implementation of a flexible new fund to be allocated £8m in the first year.
- The implementation of an annual payment of £2,000 to spouses bereaved prior to 1988 based on greatest need but not affecting benefits.
- The development of a new Core Funding and Development Scheme for groups to ensure sustainability.

## 2. Services:

- Services need to be brought under NHS responsibility through the implementation of the Bamford review on mental health provision.
- GP training is provided to assist in the screening for Post Traumatic Stress Disorder.
- All counselling services for Victims & Survivors are accredited to recognised standards – British Association of Counselling and Psychotherapy or Irish Association of Counselling and Psychotherapy.

## 3. A Forum for Victims and Survivors:

- There is widespread support for the establishment of a Forum for Victims and Survivors.
- Initially a Forum should be an integral part of the office of the Commissioner for Victims and Survivors, assisted and facilitated by the Commissioner, and progressing to a fully independent round table.
- The Forum could deal initially with practical issues when victims and survivors are ready and may go on to deal with issues from the past.

*Review Body for the Criminal Injuries Compensation Scheme*

In July 2000 Secretary of State, Peter Mandelson, accepted the majority of recommendations outlined by the *Review Body for the Criminal Injuries Compensation Scheme* (OFMDFM, 2004). Some of the most significant changes included:

- the introduction of a tariff scheme for victims to provide a faster and simpler service for victims;
- better bereavement and support arrangements;
- flexibility in time limits;
- reopening cases;
- changes in regard to psychiatric illness: it will be no longer necessary to witness the crime leading to the death or injury of a loved one to make a claim for psychiatric damage; and
- the introduction of a penalty point system to regulate the effect of previous criminal behaviour onwards.

*Victims' Unit Consultation Paper*

In October 2004 the Victims' Unit published a draft consultation paper (Victims Unit, 2004) on the next phase of government policy in relation to services for victims and survivors. It warned against rigid or inflexible definitions of victimhood but stated that it would retain the *Reshape, Rebuild and Achieve* definition of 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 the close relatives or partners who mourn their dead". The consultation document suggested that all those who consider

themselves to be a victim should be treated as such.

### **Appointments**

Between 1997 and 2007 government policy was influenced by a number of key individuals assigned to work with victims or in victims-related posts. The first official appointment of office was Sir Adam Ingram who took up the position of Minister for Victims shortly after the publication of the Bloomfield Report in 1998. Ingram was primarily responsible for the development of the government's victim agenda. In June 2001 Des Browne replaced Adam Ingram as Victims Minister for Northern Ireland. During his time in office, Browne played an instrumental role in negotiating and securing a series of funds for victims' schemes. Browne was replaced by Angela Smith in August 2003. In an interview for the Victims Liaison Unit Newsletter she stated "I consider it a great privilege to have been appointed the role of Victims' Minister but I don't underestimate the challenges we face" (Victims Liaison Unit 2003).

The appointment in October 2005 of a new Interim Victims' Commissioner for Northern Ireland created a political furore. The choice by the then Secretary of State Peter Hain of Bertha McDougall, a widow of a RUC policeman killed by the INLA in 1981, to what was thought should be an impartial post was extensively criticised by many nationalist victims' groups as well as being criticised by both the SDLP and Sinn Féin. A case was brought against the Secretary of State in relation to the appointment and Mr Justice Girvan, then a High Court judge, said that there should be an Inquiry established into the appointment of Bertha McDougall as the Interim Victims' Commissioner. The judge stated that the appointment by Peter Hain, then Secretary of State, was motivated by an "improper political purpose" (BBC 2006). After considerable pressure NIO advertised for a replacement Commissioner in January 2007.

In 1998 Nuala O'Loan was appointed Police Ombudsman to provide an impartial police complaints procedure for the people and the police. Since then she has been involved in a number of enquires into unsolved cases emanating from the conflict.

### **Miscellaneous**

In February 1999 the government-sponsored Belfast Trauma Centre was officially opened. In March 2001, a tribute to members of the security forces killed during the Northern Ireland conflict was gifted to the National Memorial Arboretum in Staffordshire, England, by the then Secretary of State, Peter Mandelson. Des Browne officially opened the Northern Ireland Centre for Trauma and Transformation in Omagh in June 2003. The centre is to work on developing a regional treatment programme for people who have suffered psychological trauma as a result of their experiences of 'the Troubles' and will undertake research and provide training in relation to trauma. In June 2000 Peter Mandelson, Secretary of State, invited approximately 2,500 victims and survivors to a garden party at Hillsborough which is attended by Prince Charles. In May 2004 the then Secretary of State Paul Murphy announced a two-stage consultation policy on how to broach the subject of remembrance. He travelled to South Africa to investigate the possibility of adopting a truth commission in Northern Ireland. In January 2005 Paul Murphy reiterated his commitment to finding a sensitive and meaningful way to deal with the past in his New Year's Message.

### **Irish government policy**

In November 1999 the Republic of Ireland Government published its findings into services and arrangements for those who had suffered as a result of the Northern Ireland Conflict. TD John Donohue, Minister of Justice, Equality and Law Reform led the review.

In April 1999 the Irish government also took part in a joint initiative with the British government and established the Independent Commission for the Location of Victims' Remains (ICLVR).

In July 2003 the Irish government approved the establishment of a Remembrance Fund and Commission for those who had suffered as a result of the conflict in Northern Ireland since 1969. Referring to existing legislation on victims more generally, it outlined four categories under which payments could be made under the scheme: an acknowledgement payment; an economic hardship payment; medical payments and payments for victims' support groups. The first payment of acknowledgement offered monetary compensation to the value €15,000 to the surviving spouse or, if there is no surviving spouse, to the surviving child or children of a parent who was either fatally injured in Ireland or who was resident in Ireland at the time that the fatal injury was sustained. Where the victim has no surviving spouse or children, payments can be claimed by the parents (and so on).

Economic hardships were offered to those who were rendered permanently incapable of working (up to a period of three years) and also to those displaced by the conflict. Medical payments to cover unmet and continuing medical expenses to victims injured throughout the conflict were also offered. Up to a total of €1,500,000 was also made available to victims' groups who served the needs of the surviving families.

### **Note**

See the ['glossary'](#) for definitions of the terms that are used in the victims' debate in Northern Ireland.

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### Web Page Information

<http://cain.ulst.ac.uk/victims/policy/smcd07victimsneeds.html>

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