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Relatives for Justice
Submission to the United Nations Committee on Economic,
Social and Cultural Rights

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Introduction:

Relatives for Justice (RFJ) welcomes the opportunity to make a submission to the United Nations Committee on Economic, Social and Cultural Rights.

Relatives for Justice is a regional NGO working with persons directly bereaved and injured as a result of the conflict. In the financial year 2014/2015 RFJ worked with over 3000 individuals.

The work includes therapeutic support, social activities, memory and advocacy work.

An intrinsic element of the provision is advice to the bereaved and injured regarding access to reparatory schemes available to victims and survivors of the conflict and advice on benefits and welfare schemes. In the financial year 2014/2015 RFJ have supported some 327 victims and survivors with VSS queries/applications and welfare/benefit advice.

The effects of conflict related bereavement or injury can include being plunged into poverty or compounding poverty where it already existed.

This is why this consultation is of such value. It recognises that there has been an impact that is different and significant. The debate on welfare

reform/cuts in the North of Ireland is different and unique to the debate as it occurs in Britain. It is essential that it recognises the unique impact of prolonged conflict and the impact of trauma, loss and injury.

While the recent Stormont House Agreement has recognised that there are outstanding needs relating to the wellbeing and welfare of victims and survivors of the conflict it falls short of recognising the long term impact on economic wellbeing or the obligations for reparation and restoration as contained in international law¹.

In this submission Relatives for Justice will contest that a human rights framework is required regarding the debate on the economic impact of the conflict.

The Right to Reparation should be included in mechanisms associated with the Stormont House Agreement² and should inform measures contained in the economic policies as adopted in our transitional society.

Additionally the particular experience of women who have been affected by conflict and the economic implications of that experience must be recognised and addressed. This experience has thus far been marginalised and despite

¹ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, A/RES/60/147 (2005);

See also

UN Updated Set of principles for the protection and promotion of human rights through action to combat impunity, E/CN.4/2005/102/Add.1 8 February 2005 ('Impunity Principles')

See also

Pablo de Greiff, *The Handbook of Reparations*, (OUP 2006)

² The Stormont House Agreement, The North of Ireland Office (December 2014)

international human rights frameworks to protect women affected by conflict, this too has not featured in the debates on poverty or economic wellbeing³.

Healey states the North of Ireland is a society in transition and describes it as a 'pre-post conflict society (2004)⁴. Following the signing of the Good Friday Agreement in 1998⁵ when it was anticipated relative peace would reign, in many areas of the North of Ireland conflict continued with individuals experiencing trauma through paramilitary violence, state sponsored violence and sectarian attacks. Therefore for many families their traumatic experience is not 'post' but 'ongoing' or 'continuous'.

The medical diagnosis of Post Traumatic Stress Disorder (PTSD) consigns the traumatic experience to the past, however, for those experiencing 'on-going' or 'continuous' trauma, Healey (2004) contends that their experience needs to be acknowledged⁶. At present no diagnostic category exists that truly captures such experiences. What emanates from these mitigating factors are

³ United Nations Security Council Resolution 955 UNS/RES/955 (1994)
United Nations Security Council Resolution 1325 UNS/RES/1325 (2000)
United Nation Security Council Resolution 1888 UNS/RES/1888 (2009)
Convention on the Elimination of Discrimination Against Women 1979 General Assembly Resolution 24/180
CEDAW General Recommendation 30 CEDAW/C/GC/30 (2013)
Beijing Platform for Action for Equality, Development and Peace Fourth World Conference on Women 1995 A/S-23/10/Rev.1

⁴ Arlene Healey, 'A Different Description of Trauma: a wider systemic perspective – a personal insight, *Child Care in Practice*', (2004), 167-184

⁵ The Belfast Agreement/The Good Friday Agreement, Northern Ireland Office (April 1998)

⁶ Healey, 'A Different Description of Trauma' (n4)

victims of our conflict living in communities left with a legacy of social and economic deprivation, encompassing poverty and dependence⁷.

⁷ Mike Tomlinson, 'Poverty and Social Exclusion in N.Ireland, Legacies of Conflict' (Queens University Belfast, 28 August 2014)
<<http://www.qub.ac.uk/home/ceao/News/Title.458964.en.html>> accessed 17 January 2015

Impact:

In the 30 years since 1969 3,585 people have been killed in the North of Ireland and according to official figures documented in The Cost of the Troubles Study, 'over 40,000 people have been injured as a result of the conflict'⁸. The conflict in the North of Ireland was played out on the streets where disadvantage and poverty were at their highest. Deaths and injuries occurred in disproportionate numbers in areas already wrenched with unemployment and ill health. North and West Belfast still hold the unenviable positions of highest levels of poverty and deprivation just as they did in 1968⁹. They also saw the highest numbers of deaths and injuries during the conflict. Deprivation was not new to them as the conflict unfolded – it was compounded. For those who not only lived in those areas worst affected by conflict but also became its direct and worst affected victims there was an double disadvantage.

Once the devastation of trauma, death and injury occurred any already reduced potential for educational achievement and gainful employment were all but obliterated. Dependence on welfare became inevitable.

This was especially the case for women. With 91% of those killed men it was women who struggled to survive with young families. If the men killed were employed the change in circumstance economically was devastating. Not only

⁸ M. Fay, M. Morrissey, M. Smyth & T.Wong, 'The Cost of the Troubles Study: Report on the North of Ireland Survey, Derry Londonderry: INCORE, 1999

⁹ Supra n7

were young mothers coping with their own trauma and that of their children they were also immediately thrown into poverty. A poverty that was never to be reversed. The effects of the necessary suspension of trauma on health have been devastating.

This was not just an urban phenomenon. While there were areas worst affected by our conflict's ravages those living in rural poverty experienced an overwhelming isolation and was deepened by extreme poverty. For many their homes were without basic amenities and the local community support programmes that grew up in urban areas were quite simply absent outside of Derry, Newry and Belfast.

For the overwhelming majority of those bereaved and injured by conflict there was no catch net whatsoever. No support services, no pensions and no economic support.

As for the children in families affected by conflict death and injury their access to educational achievement was immediately affected. As traumatic reaction become normalised rather than supported, many younger members of families played caring roles for younger siblings and surviving parents. Their potential was never realised. They became a second generation dependent on welfare.

In some schools the effects of trauma resulted in young people being excluded from school entirely. There was no understanding of trauma and

the needs of young people. There was no support for teachers to spot the signs of PTSD or traumatic reaction after a child's parent or sibling had been killed or injured, let alone the support services to put in place had it been spotted at all. No one paid attention to this as the young people came from areas of high deprivation and low educational achievement anyway. Their pathways out of poverty were blocked at every turn.

Today these young people now in their 40/50's present with symptoms of anxiety, depression and a sense of feeling overwhelmed due to their life's chances having been diminished and directed by circumstances created in their youth they had no control over.

Support

To comprehend the intricacies of the effects of conflict on the individual, time and time again victims and survivors will disclose how they have not felt able to discuss or articulate their trauma/mental health difficulties in the past and subsequently they are unable to connect the traumatic experience to the presenting issues. Contact with the few General Practitioners who empathise with the trauma survivor is limited with follow up signposting to the statutory services for support proving futile. Resulting from this is a cycle of medicated individuals whose monthly prescriptions are released, suppressing the underlying causes of their traumatic experience and rendering them dependent and helpless. According to 'The Script Report', Antidepressant prescription rates in the North of Ireland far exceeded those of England and Wales¹⁰.

Due to financial circumstances facing the Executive, individual support programmes for victims and survivors have been cut in a most cruel and arbitrary way. It is expected that support services provided for by groups will be cut significantly in coming months.

This comes after the disgraceful debacle that is the establishment of the Victims Service and Survivors Service (VSS). A service designed to provide support to victims and survivors within which there is no accountability, no legislation governing it or defining its role, no clear process or transparency,

¹⁰ Jon McClure, 'The Script Report', (The Detail, 17 November 2014) <<http://script-report.thedetail.tv/>> accessed 22 January 2015

no independence and doesn't in any way meet the reparative aspects of human rights.

The debacle surrounding the Victims and Survivors Service has hurt victims and survivors across the community. Not one person has been held accountable whilst crucial funds are wasted on employing and deploying CEO's and civil servants who have no comprehension of the needs of victims and survivors adding to the continued staggering from failure to failure whilst implementing the cuts in individual support programmes to the bereaved and injured of the conflict.

In contrast individual groups working within the victims and survivors sector, despite continued funding crisis, have continued to deliver front line support service provision interfacing directly with effects of poverty, deprivation, inequality, marginalisation and discrimination to those individuals accessing support groups. "Because traumatised people feel so alienated by their experience, survivor groups have a special place in the recovery process"¹¹. Unfortunately for many victims and survivors there is a deep distrust of government services due to the very nature of their traumatic experience, the need for safety and trust is paramount in order to establish the framework for facilitating trauma recovery. Unfortunately the Victims and Survivors Service failed to establish this framework resulting in many individuals being re-traumatised.

¹¹ Judith L. Herman, *Trauma and recovery: from domestic abuse to political terror* (Pandora 1992) 215

The Role of Victims and Survivors Groups

The role of victims and survivors groups is to provide a safe, supportive and therapeutic environment for those bereaved or injured as a result of conflict. There should exist amongst the attributes of the support group a commitment to human rights and social justice with equality and respect for all. The aim of victims and survivors groups is to reduce isolation and exclusion whilst encouraging co-operation and inclusion. In recognising and addressing the effects of marginalisation the support group focuses on empowering victims and survivors through confidence building exercises and self- awareness.

Following the traumatic event a conspiracy of silence prevails¹². Many victims and survivors will share how they cannot get the words out to explain their hurt and pain. The inability to articulate the trauma story transcends through generations leaving a legacy of unanswered questions and a displaced narrative that has no grounding. Victims and survivors groups advocate for these marginalised individuals as they find their voice. Bearing witness to the narrative of the trauma survivor's story facilitates the process of trauma recovery.

RFJ work with some of the most marginalised groups of people who not only experience social problems such as inequality, poverty, poor physical and

¹² Yael Danieli, Psychotherapists' participation in the conspiracy of silence about the Holocaust. *Psychoanalytic Psychology* (1984) vol. 1, 23-42

mental health etc, but also have been bereaved or injured as a result of the conflict.

RFJ offer varied levels of support that victims and survivors can avail of including legal and advocacy support, welfare rights, complementary therapy, therapeutic support, personal development, befriending, art therapies, creative writing, painting and flower arranging. Courses are offered in trauma awareness allowing individuals who have been affected by traumatic bereavement and personal injury to understand the impact of their experiences and how they impact on their everyday life and that of their families and wider community.

Over the years RFJ's understanding and knowledge of trauma has grown as we engage with victims and survivors on the ground and encounter the level of complexities these individuals face. As each trauma survivor is unique so too is their journey of healing and recovery. While we wait for a proper process that addresses the needs of victims and survivors the role of victims and survivors groups is paramount in supporting individuals who have time after time been failed by piecemeal attempts from Government to deliver an adequate and sustained programme of support.

Obligations

The state has an obligation to protect victims and survivors emerging from conflict. This is enshrined in the 'Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violation of International Human Rights Law and Serious Violations of International Humanitarian Law'¹³.

The British Government, despite being a signatory to the Peace Agreement¹⁴ and facilitator of numerous subsequent transitional agreements¹⁵ however has not applied itself to meeting the obligations of a post-conflict state in matters of reparation and restoration.

Albeit the British Government are a signatory to these principles obliging them to deliver reparations to victims and survivors, unlike other member states they continue to implement ad-hoc processes that have created a disparity of treatment between victims of the conflict. For the vast majority of victims who were civilians these measures are both inadequate and demeaning.

¹³ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations on International Human Rights Law and Serious Violations of International Humanitarian Law, A/RES/60/147, (2005); un Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity, E/CN.4/2005/102/Add.18 February 2005 ('Impunity Principles')

¹⁴ The Agreement. Agreement Reached in the Multi-Party Negotiations (April 1998)

¹⁵ Implementation of the Good Friday Agreement. The North of Ireland Office and Department of Foreign Affairs (August 2001)

Agreement at St Andrews (October 2006) available at <

<https://www.gov.uk/government/publications/the-st-andrews-agreement-october-2006>>

The Hillsborough Agreement (February 2010)

The Stormont House Agreement which is the first agreement on mechanisms to deal with the past the right to reparation remains unaddressed and so the British Government remains in breach of its obligations under international law

The British Government by not fulfilling their obligations penalise an already disadvantaged proportion of victims and survivors who due to mitigating factors including physical and psychological injury experience hardship on a daily basis. Welfare reform/cuts targeting those most vulnerable does not facilitate or contribute in any way to the process of trauma recovery.

In 1998 Sir Kenneth Bloomfield, the then appointed Victims Commissioner advocated the delivery of adequate support systems for victims of our conflict, highlighting the growing demand and need for specialised services in the field of trauma recovery. Albeit in recent years there has been support services provided within the community, funding for these services has always been short term and subject to draconian cuts.

Women have been particularly ignored. Despite being a permanent member of the United Nations Security Council Britain has refused to recognise its obligations to the needs of women post conflict living in the North of Ireland, promoting instead the incongruous position of there not having been a conflict.

This politically convenient position, which gives excuse to sidestepping many human rights obligations regarding the British Government's role in the

conflict, has also ensured that women who suffered from conflict related harms in Ireland have not been supported with the international treaties designed to meet their needs. This in particular includes the severe economic disadvantage women continue to face as a result of conflict related harms.¹⁶

¹⁶ O'Rourke, Catherine (2012) *Dealing with the Past in a Post-conflict Society: Does the Participation of Women Matter? Insights from the North of Ireland*. William and Mary Journal of Women and the Law, 19 (1). pp. 35-68.

Disparities:

Individual support programmes in recent years through the Memorial Fund and the Victims and Survivors Service while welcome have been limited, bureaucratic in nature, subject to change and suspension and overall labelled by those in their receipt as demeaning and philanthropic in nature rather than based on rights to reparation for victims of the conflict¹⁷.

In essence these programmes were designed to support all victims of the conflict, and include the vast majority of those affected. However if the victim of the conflict wore a state uniform as member of the RUC/UDR/RIR there were additional pension rights and funds which appeared to flow freely from the public purse. Inordinate amounts of money, which included compensation of £135 million for 'hearing loss'¹⁸ and £500 million of 'severance payments' as part of the Patten reforms on policing were paid¹⁹.

Although entitled to access support therapeutically, financially and socially from within the confines of the victims' sector purse, military families can also avail of benevolent funds, free respite breaks etc. Therefore a disparity

¹⁷ WKM Solutions, 'The Victims and Survivors Service, An Independent Assessment', 2014

¹⁸ Mark Thompson, '*RFJ's FoI on Hearing Loss Claim Another Stop for the Gravy Train*' (Relatives for Justice, 23 January 2014) <<http://relativesforjustice.com/rfjs-foi-on-hearing-loss-claim-another-stop-for-the-gravy-train/>> accessed 27 January 2015

¹⁹ Mark Thompson, '*Lies, Cover Up and Pay Offs – Concern for Human Rights*' (Relatives for Justice, 3 October 2012) <<http://relativesforjustice.com/lies-cover-up-and-pay-offs-concern-for-human-rights/>> accessed 27 January 2015

of approach exists that creates a specialist category of victims and survivors who are supported on a different level to other individuals within this arena.

Attention was shown by the British Prime Minister David Cameron recently when he added his voice to military widows who are campaigning to retain their service pensions should they remarry. Cameron described the loophole as 'absolutely wrong'²⁰.

In contrast many civilian widows were not afforded this safety net when they either lost their spouse or the spouse suffered injuries in the conflict and had to attempt to make ends meet with either menial low paid jobs or simply watching their young families going without.

If a military covenant is afforded and endorsed with such vigour, consideration should be given to those bereaved and injured as a result of our conflict. The latter group consisting of many seriously injured are reminded of the past on a daily basis as they attempt to carry out the basic tasks of hygiene, household duties, hospital visits, pain management etc, often in constant pain. It is an indictment that as a society we have not developed a comprehensive reparations policy to acknowledge and remedy the suffering of these individuals.

²⁰ Jennifer Smith, 'Military widows who remarry will no longer lose their pensions as David Cameron announces closing of 'absolutely wrong' loopholes' (Daily Mail, 8 November 2014) <<http://www.dailymail.co.uk/news/article-2826390/Military-widows-remarry-no-longer-lose-pensions-David-Cameron-announces-closing-absolutely-wrong-loophole.html>> accessed 19 January 2015

CONCLUSION

For those families worst affected by our conflict who have lived lives defined by death and injury, who have subsequently lived lives of poverty and need, and who have survived with minimal support or reparation there is no choice between Welfare Reform and Victims Support Funding. Welfare cuts are unimaginable in their context.

All political parties have declared their intention to support victims of conflict. All must recognise the huge dependence for survival this implies on current welfare provision. They must also recognise that long term sustained support services are also essential. It is not an either or choice.

Life on welfare is not a life chosen. It is a life of circumstance influenced by many factors, often generational as has been alluded to previously.

Every day is an existence of hand to mouth, where fridges are never full, oil tanks never filled and bills never fully paid off. A life where new clothes are rare, never chosen because of fashion, best quality or potential length of service, but chosen only on the basis of cost. Warm coats and lasting shoes do not match that requirement. This is a life where debt goes hand in hand with the struggle to survive. It is a life where the dignity of adults is a compromisable commodity in favour of feeding and clothing children.

The notion of a 'reform' that could diminish this life of poverty and want even further is a notion that throws doubt on very survival. The words "I don't know how I would survive" are not exaggerated – they are spoken with genuine fear.

There was disadvantage heaped on deprivation and there was little or no analysis of the needs of victims of the conflict who were thrown onto the welfare system after the incident and forced to stay there. It was not a choice then and it still is not now.

Recommendations

1. Full sustainable funding for support services to victims and survivors including advice services
2. A replication of the military covenant for those bereaved and injured by conflict to ensure that no reform or cut will disadvantage them from their current position in recognition of conflict related harms
3. Immediate implementation of UNSCR1325 and CEDAW Gen Rec 30 in relation to women who have suffered conflict related harms
4. That legislation regarding the Stormont House Agreement include consideration of a comprehensive package of reparations for all victims of the conflict