

The Office of the First Minister and Deputy First Minister

Community Relations, Human Rights and Victims Division
Block E5.1, Castle Buildings, Stormont Estate, Belfast BT4 3SR

Tel: 028 9052 3167 Fax: 028 9052 8354

4 October 2000

Members of the Interdepartmental Working Group on Victims

DEFINITION OF VICTIMS

I would like to thank all of you who replied to my letter of 29 September in connection with the above, particularly in view of the tight deadline. While a consensus on such an issue is highly unlikely, many respondents highlighted similar themes. I have attempted to condense all the views into an amended definition which now reads as follows:

“The surviving injured of violent, conflict related incidents and those close relatives and partners who care for them, along with those close relatives and partners who mourn their dead”.

No definition of victims will be without difficulties and I would ask you to view this definition as a working one, **for the purposes of the Group only**. As a working definition, we will need to be flexible in its interpretation and appreciate that there will be an element of self-definition involved for those who see themselves as victims.

I am keen, as I am sure you are, to avoid an interim meeting on this subject and I would ask you therefore to contact me by the end of this week only if you have major difficulties over the proposed definition. Any such difficulties can, in any event, hopefully be resolved in bilaterals.

Thanks again for your work on this issue and I look forward to seeing you for the next full meeting which has now been scheduled for 14 November.

Yours sincerely

Fergus Devitt
Head of Victims Unit

My view therefore is that we should allow victims to define themselves and treat each case on its own merits.

5. I am sorry to have missed your original deadline but I hope this is not too unhelpful.

David Sterling

**DAVID STERLING
EXT 68204**



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FROM: DAVID STERLING

**cc Interdepartmental Working
Group on Victims**

4 OCTOBER 2000

FERGUS DEVITT

DEFINITION OF VICTIMS

1. The one thing on which we were all agreed at the meeting on 28 September is that defining "victims" is going to be extremely difficult. In looking at the issue after the meeting I turned to the Belfast Agreement and noted that no effort was made by the parties to the Agreement to agree a definition.
2. My own starting point is therefore that we should similarly avoid being lured into doing something which will be extremely difficult and will probably please no one.
3. I feel more comfortable taking this stance having read your minute of 29 September which makes it clear that we are not in the business of handing out badges to a rigidly defined group of people who would then be granted special treatment by the public service as a result of their victim status. I am greatly reassured by this because even a conservative estimate of the number of people who might fall within the draft definition must run to several tens, if not hundreds, of thousands.
4. If it is clear that victims are not to receive priority treatment over others who have a greater need and if I am also correct in concluding that we will be addressing victims' needs through the various representative groups rather than at an individual level then I think this reinforces the argument that it would be counterproductive to become preoccupied with definitional debates.

My view therefore is that we should allow victims to define themselves and treat each case on its own merits.

5. I am sorry to have missed your original deadline but I hope this is not too unhelpful.

David Sterling

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29 September 2000

Members of the Interdepartmental Working Group on Victims

DEFINITION OF VICTIMS

At yesterday's meeting it was determined that a working definition of victims would be required by the group before the draft terms of reference could be agreed. Below is a draft definition based on the Bloomfield model with elements in square brackets added from the definition used in the Social Services Inspectorate report:

"The surviving injured [of violent, conflict-related incidents] and those who care for [or are related to] them, along with those close relatives who mourn their dead."

It has to be recognised that no definition will capture all victims as many others eg friends, neighbours and witnesses will also be affected by incidents. An element of self-definition will therefore come into play but for the purposes of the Interdepartmental Working Group we need to agree quickly on a working definition to allow the terms of reference to be finalised. I would be grateful, therefore, for your views on the above definition by **5pm on Tuesday 3 October**. Once views have been received, I will then contact you again with what will hopefully be an agreed final definition. If we are unable to agree, then, as the Junior Ministers indicated, a meeting will be held within two weeks.

I would like to take this opportunity to clarify an issue that arose yesterday. Whilst the expectation is that victims will be recognised as a high priority group for policy and planning purposes, individual victims are not expected to receive priority treatment over non-victims with greater needs. We must aim, however, to ensure that victims' access to services and information is maximised through appropriate mechanisms and that unnecessary delays and obstacles to progress are removed. There is no suggestion that victims will "queue-jump" as decisions on eligibility for services, benefits etc will be made on the same criteria as for everyone else.

The surviving injured of conflict related incidents

Assumption

NI jurisdiction

Victims - survivors

The surviving injured of conflict related incidents, and those close relatives who ^{care} ~~care~~ for them, along with close relatives who mourn their dead.

Set within any context of Human Rights and Equality

Our response is on the assumption that.

Deporter needs to be inclusive, rather than exclusive

In advance of the minutes of the meeting being issued, I would remind you that the details of a named departmental contact should be with me by Friday 6 October and that a brief, written update on Departmental activity relating to victims should be sent to me by Friday 27 October to allow for collation in advance of our next scheduled meeting. In addition, a departmental nominee to assist in the design of the capacity building programme for policy makers should be identified to Mary Butcher (527090) by Friday 6 October.

Thank you for your engagement with this process and I look forward to receiving your views on the draft definition of victims.

Yours sincerely

Fergus Devitt
Head of Victims Unit

I presume that the legal aspects of this will be

Boyle, Margaret

From: Johnston, John
Sent: 02 October 2000 13:25
To: Boyle, Margaret
Cc: Johnston, John
Subject: RE: Victim's

Margaret – it does not seem much to have come from all the discussion today, but with a minor suggested amendment this is ok - John J

From: Boyle, Margaret
Sent: 02 October 2000 12:29
To: Johnston, John
Subject: Victim's

Can you have a look at this for me please?

On the understanding that any definition would need to be generally inclusive rather than exclusive, will be subject to legal advice and set within the context of Human Rights and Equality considerations and section 6, paragraphs 11 -13 of the Northern Ireland Agreement, I would offer the following:

" The surviving injured of violent conflict - related incidents and those close relatives and partners caring for them, along with those close relatives and partners who mourn their dead".

Margaret

Boyle, Margaret

From: Harley, Don
Sent: 29 September 2000 16:29
To: noel.cornick@dani.gov.uk; Carson, Nigel (DCAL); Jendoubi, Christine (DENI); michael.maxwell@detini.gov.uk; McConnell John; Sterling David; leslie.frew@dhssps.gov.uk; Armstrong Heather; McArthur Alan; Harley, Don; Boyle, Margaret; 'Fergus.Devitt@ofmdfni.gov.uk'
Subject: RE: Definition of victims

Fergus

I have no problem with the definition as such.

I do however feel that it is too broad and leaves too much for general interpretation. For instance the word injury should cover both physical and mental. Would severe anxiety from living in a difficult, violent, paramilitary controlled, housing estate constitute an incident? How close should the relationship be? Would a brother living in England merit consideration? Carer is too general as it would let the lady down the road who calls in for a couple of hours each day into the victims' group.

Don Harley

From: Fergus.Devitt@ofmdfni.gov.uk [SMTP:Fergus.Devitt@ofmdfni.gov.uk]
Sent: 29 September 2000 12:14
To: noel.cornick@dani.gov.uk; nigel.carson@deni.gov.uk; christine.jendoubi@deni.gov.uk; michael.maxwell@detini.gov.uk; john.mcconnell@doeni.gov.uk; david.sterling@dfpni.gov.uk; leslie.frew@dhssps.gov.uk; heather.armstrong@dhfeteni.gov.uk; alan.mcarthur@drdni.gov.uk; don.harley@dsvni.gov.uk; margaret.boyle@dsvni.gov.uk
Subject: Definition of victims

Please see the attached.(See attached file: Definition of victims.doc)
I am in the office all day today and from about 3pm on both Monday and Tuesday if you want to telephone me. Replies by e.mail are welcome.
Fergus<<File: Definition of victims.doc>>

Boyle, Margaret

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Margaret

Boyle, Margaret

From: McConnell, John[SMTP:John.McConnell@doeni.gov.uk]
Sent: 02 October 2000 10:31
To: 'Fergus.Devitt@ofmdfmni.gov.uk'; noel.cornick@dani.gov.uk; nigel.carson@deni.gov.uk; christine.jendoubi@deni.gov.uk; michael.maxwell@detini.gov.uk; McConnell, John; david.sterling@dfpni.gov.uk; leslie.frew@dhssps.gov.uk; pshar; McArthur, Alan; don.harley@dsdni.gov.uk; margaret.boyle@dsdni.gov.uk
Cc: Boyle, Alex
Subject: RE: Definition of victims

Fergus

I share Noel Cornicks reservations and suggest something along the following lines " The surviving injured of violent conflict-related incidents and those relatives who care for them, along with those close relatives who mourn their dead."

My nomination as DOE contact is Alex Boyle CMB branch ext.41194---I will be unavailable for the next interdepartmental meeting and Alex has agreed to go in my place.

I was one of those who raised the issue of "queue jumping" and I feel I need to further explain my position. It was never my intention to suggest that victims would or should have different criteria applied to them when deciding on eligibility for services etc. I was suggesting that e.g. the normal waiting process for decisions etc might be circumvented when we are addressing the needs of victims- incidentally I think that that may be the very least we could do in genuine cases.

I look forward to working with you on this important area of our work.

John McConnell

— In the short time available and in the understanding that any definition will be subject to legal advice, I would favour

X THE SURVIVING INJURED OF VIOLENT CONFLICT RELATED INCIDENTS AND THOSE CLOSE RELATIVES ^(AND PARTNERS) WHO CARE FOR THEM, ALONG WITH THOSE CLOSE RELATIVES (PARTNERS?) WHO MOURN THEIR DEAD

* we would also need to take advice on "partners" and the implications of equality provisions and Human Rights" [in Agreement]

- INCLUSIVE NOT EXCLUSIVE
 - LEGAL CONSIDERATION
 - CLOSE RELATIVE — BUT HOW TO FIT WITH EQUALITY OBLIGATIONS, HUMAN RIGHTS
- SUSTAINABILITY TO CHALLENGE

rights safeguards etc para 12 of the Agreement