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November 2019**

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**INDEPENDENT REPORTING COMMISSION**

**SECOND REPORT**

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## Foreword

The Independent Reporting Commission is pleased to present the second of a series of Reports on progress towards ending paramilitary activity and on measures being implemented by the Northern Ireland Executive, the UK Government and the Irish Government to tackle the issue.

We are currently in a situation of great complexity in Northern Ireland. The potential impact of Brexit together with the almost three-year absence of political decision-making at Stormont, have added greatly to the many other challenges connected to the ongoing implementation of the Belfast/Good Friday Agreement and other Agreements that followed. The continued existence of paramilitarism is one of those key challenges.

As the body tasked with reporting on measures to end paramilitarism, our analysis has a number of dimensions. Firstly, as confirmed by the data and news reports, it is clear that paramilitarism remains a stark reality in Northern Ireland. Secondly, in answer to the question “is it getting worse or getting better?” our view is that there are no grounds for complacency given that continuing paramilitarism remains a matter of ongoing concern. Since we published our First Report in October 2018, the disturbing events of the last year, including murder and attempted murder, are persistent reminders of that reality.

Providing an analysis beyond that is where the complexities deepen. We have seen the commentary by many about the potential of Brexit to be the cause of a return of violence – including through an increase in paramilitary activity. We understand why people make that claim, but the issues surrounding paramilitarism, and why it continues to exist, long pre-date Brexit.

Those clinging to the belief in the gun, the bomb and other forms of violence as a legitimate expression of a political viewpoint are diminishing with the passage of time, but it continues to hold some sway. Paramilitarism is the organised expression of that belief. Despite the commitment to exclusively peaceful, democratic means of resolving differences on political issues that was enshrined in the Belfast/Good

Friday Agreement, and endorsed by joint referenda over 21 years ago, the reality of paramilitarism lingers on to devastating effect.

The real issue about the dangers for peace in Northern Ireland, therefore, is not that Brexit itself could be the direct cause of a renewal of violence, but rather that it has the potential to add fuel to the fire of continued paramilitarism. That is what Brexit has exposed and highlighted.

What it also highlights is the need for a renewal of urgency around efforts to bring it to an end, as the Fresh Start Agreement stated, “once and for all”. Continued paramilitarism is a profoundly de-stabilising factor and as long as it persists, peace and reconciliation will be much more difficult to achieve.

The overwhelming majority of the people of Northern Ireland have made clear that they wish to see it gone.

Which brings us to another dimension of our analysis - that wishing it gone has not made it happen, so there needs to be a wider, deeper and more realistic understanding around what is required for a definitive end to paramilitarism. The task is a complex one that will require a sustained, long-term and holistic effort that combines a policing and justice response, side by side with a major and energetic tackling of the deep socio-economic issues facing the communities where the paramilitaries operate. A further complexity is the connection between paramilitarism and criminality. It is our view that there is a spectrum of people involved in paramilitarism, at one end of which are those who we believe are sincerely engaged in supporting transition to peaceful, democratic politics, and at the other those who use paramilitarism as a cloak for criminality. It is our contention that bringing a definitive end to paramilitarism will require an approach that takes account of this complexity also, and we set out further thoughts on such an approach in this Report.

We know there will be commentators who will decry that analysis – in their view, ending paramilitarism is “simple and just requires more police, more prison places and a determination to make sure paramilitaries, who are all criminals, are either

locked up or go away”. Our view is that the reality is altogether more complex, as we set out in this Report.

In summary, therefore, Northern Ireland society is faced with the reality that, for a whole range of reasons and factors, paramilitarism continues to exist today and as long as it does it carries serious risks of de-stabilising peace and reconciliation.

This Report sets out how the measures arising from the Fresh Start Agreement are progressing and what still needs to be done if they are to be fully effective. Consulting with those responsible for putting effective measures in place and with those living in the communities most impacted by paramilitarism is a key task for our work. Since October 2018 we have met with almost 200 stakeholders to hear their views of what progress is being made to bring paramilitarism to an end and to deliver the wider, systemic changes needed. We are grateful for their valuable insights and contributions.

Our assessment remains that the greatest encouragement to the effort underway to end paramilitarism would be the return of political-decision-making to Stormont. The issues involved are so deep-rooted and multi-faceted that only a process actively and vigorously led by those with a democratic mandate at political level can deliver on what is needed. We conclude with the recent statement by the Head of the Northern Ireland Civil Service about the challenges of Brexit<sup>1</sup>, as it equally applies to the task of ending paramilitarism:

*“We are already at the limits of what civil servants can and cannot do, which is why our conclusion is that the range of challenges and the magnitude of the decisions that will be needed to mitigate the most severe impacts could not, and should not, be taken by civil servants. We need our ministers back, and we need them back quickly.”*

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<sup>1</sup> <https://www.irishtimes.com/news/politics/we-need-our-ministers-back-quickly-ni-s-top-civil-servant-tells-conference-1.4024989>

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## **Executive Summary**

Since we published our First Report in October 2018, the disturbing events of the last year, including murder and attempted murder, are persistent reminders that paramilitarism unfortunately remains a stark reality in Northern Ireland. These events underline the continuing importance and relevance of the goal enshrined in the Fresh Start Agreement of November 2015 – itself the response to a political crisis in Northern Ireland that had been sparked by two paramilitary-related murders – of bringing paramilitarism to an end “once and for all”.

This Report notes that although there has been a downward trend in paramilitary violence over the last ten years, the number of deaths linked to paramilitary organisations and the number of paramilitary style attacks carried out between October 2018 and September 2019 increased. The situation, therefore, remains serious and concerning.

Further, two contextual factors, namely, the political vacuum created by the absence since January 2017 of an Executive and functioning legislative Assembly in Northern Ireland and the continuing uncertainty regarding Brexit, make the task of bringing paramilitarism to an end immeasurably more difficult. As we note in our Foreword, this uncertainty is serving to add fuel to the fire of continued paramilitarism.

We note again that paramilitary activity is most prevalent in communities which also suffer serious social and economic deprivation. In these communities, there are major problems of poverty, unemployment, educational under-attainment, drug and alcohol addiction, and poor mental health. If the goal of definitively ending paramilitarism is to be achieved, therefore, we continue to believe that this will require the Twin Track approach we set out in our First Report – namely a policing and justice response side by side with a fundamental and sustained tackling of the systemic, socio-economic issues facing the communities where the paramilitaries operate.



In our Second Report we go further. From our analysis of the Tackling Paramilitarism Programme to date<sup>2</sup>, and of models of good practice elsewhere, we have come to the view that a project-focussed approach, which tackles issues on an individual basis, with time-limits and delineated budgets, does not align with what is actually required. Rather what is needed is a recognition that many of the issues and problems involved are long-term, complex and inter-linked. The better answer, therefore, is a whole of system, Whole of Government approach. In our view this points to tackling paramilitarism becoming a new dedicated outcome in the Programme for Government. This is one of our key Recommendations. We also believe that there are valuable lessons in terms of how that can best get done, in that context, including the value of a focus on public health and, we provide examples of good work from elsewhere.

We are clear that Track One – the policing and justice response – remains a critical component of the overall approach. In terms of the broader role of policing in tackling paramilitarism, we continue to have concerns about the pace of enhancing neighbourhood policing and renew our call for more resources in this area. In addition, we are disappointed that further progress has not been made on speeding up justice. We think that delays in the justice system are now a real obstacle to the efficient tackling of paramilitarism and urgently need addressing. The measures for speeding up justice, set out in the Panel Report and incorporated into the Executive Action Plan<sup>3</sup>, have not been taken forward as recommended and we call for urgent action in that regard.

We also call for greater use of asset recovery powers, given the impact they can have on tackling criminality, including that linked to paramilitary activity. We recommend that consideration be given to the establishment of an agency that focusses solely on civil recovery of the proceeds of crime in Northern Ireland.

We acknowledge that what we are calling for is ambitious but believe that this is what is going to be required if the goal of definitively ending paramilitarism is to be

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<sup>2</sup> The Programme's full title is "The Tackling Paramilitary Activity, Criminality and Organised Crime Programme"

<sup>3</sup> See paragraph 1.11

achieved. We further acknowledge that the scale and complexity of what we are seeking will require the support and confidence of the whole of society in Northern Ireland. We are, therefore, calling for a whole of society debate on all of this.

In addition, our Second Report suggests that the time has come for consideration to be given to a dedicated transition process for paramilitaries themselves to bring paramilitarism to an end. The specifics of how such a transition process would work would be a matter for both Governments and the Northern Ireland Executive.

In terms of format, our Report is divided into four main Sections. Section A sets out an Overview of our analysis of the situation relating to continued paramilitarism and the measures being implemented in tackling it, including in the context of the Fresh Start Agreement of November 2015, the three-person Panel Report of May 2016, and the Executive Action Plan agreed in July 2016. Section B sets out data and indicators of paramilitary activity and includes case studies from Glasgow, Limerick and Manchester showing the approach adopted elsewhere. While none of the studies are an exact replica of the situation in Northern Ireland, each contain elements and dimensions applicable to tackling paramilitarism here. Section C provides our analysis of the implementation of the Executive Action Plan, while Section D sets out Recommendations based on this analysis and reports on the responses to the Recommendations we made last year.

## **SECTION A: OVERVIEW**

### **SECTION A1: INTRODUCTION**

1.1 This is the Second Report of the Independent Reporting Commission (“IRC”) and builds on the First Report of October 2018<sup>4</sup>. The Commission was established under the terms of the Fresh Start Agreement, which was concluded on 17 November 2015 between the UK and Irish Governments and the Northern Ireland parties following intensive discussions between them in response to continued paramilitary activity in Northern Ireland<sup>5</sup>. In the Agreement, they reiterated “the primacy and centrality of peace and the political process to the continued transformation of our society”. A key goal identified in that regard was the ending of paramilitarism “once and for all”. One of the instruments identified by the Fresh Start Agreement to help with the implementation of this goal was a four-person IRC.

1.2 Under the terms of the International Agreement establishing the IRC, we have been assigned two reporting functions: (a) to report generally on progress towards ending paramilitary activity, and (b) to report specifically on implementation of measures of the UK and Irish Governments and of the Northern Ireland Executive (“the Executive”), including implementation of the Executive’s Action Plan on Tackling Paramilitary Activity, Criminality and Organised Crime<sup>6</sup>. This Second Report covers both of those reporting functions. The role given to the IRC was also to promote progress towards ending paramilitary activity, and support long term peace and stability in society and a stable and inclusive devolved Government in Northern Ireland.

1.3 The IRC was established in August 2017. Its members are John McBurney and Monica McWilliams (nominated by the Executive), Tim O’Connor (nominated by the Irish Government) and Mitchell B. Reiss (nominated by the UK Government). We report annually until the end of our four-year mandate which expires in 2021.

1.4 We are not an operational body and do not provide security or threat

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<sup>4</sup> <https://www.ircommission.org/news-centre/irc-first-report>

<sup>5</sup> Relevant extracts are set out in Appendix A to this Report. See also Section A of the Fresh Start Agreement: [https://www.northernireland.gov.uk/sites/default/files/publications/nigov/a-fresh-start-stormont-agreement\\_0.pdf](https://www.northernireland.gov.uk/sites/default/files/publications/nigov/a-fresh-start-stormont-agreement_0.pdf)

<sup>6</sup> See Appendix B

assessments of the various paramilitary groupings. That is a matter for the police and the security services. We receive regular briefings from them.

1.5 In terms of our methodology, we meet on a confidential basis with a wide range of groups and individuals, both those working within the statutory sector and those living in, and working with, communities on the ground. We are grateful to all those who met with us over the past year<sup>7</sup>. We are also grateful to those who wrote to us during the year and invite others to do the same if there are issues they wish to draw to our attention<sup>8</sup>. We wish to thank the victims of violence who shared their experiences with us. It is they who have been most impacted by paramilitaries and we will continue to engage with them as we take forward our work.

1.6 We also wish to thank both Governments and the various Departments of the Northern Ireland Administration, co-ordinated and supported by the Tackling Paramilitary Activity, Criminality and Organised Crime Programme Board (“the Programme Board”) and the Tackling Paramilitarism Programme Team (“the Programme team”) which is located in the Department of Justice. We are appreciative of the information provided by various statutory agencies, including the PSNI, law enforcement bodies and local Councils. We attach particular importance to the cross-border dimension of our work and wish to thank the representatives of relevant Departments and agencies of the Irish Government with whom we met during the year. In particular, we thank our colleagues in our Joint Secretariat for their continued hard work and professionalism and for their support.

### **Our Approach**

1.7 The continuation of paramilitarism 21 years after the signing of the Belfast/Good Friday Agreement is unacceptable. It is a residual legacy of the historical conflict and a sustainable solution has to be found to end it. A major effort to ending paramilitarism is being brought to bear, including through the Fresh Start Agreement and the role of the IRC. That Agreement realised that bringing

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<sup>7</sup> The IRC’s official archives and premises have the same inviolability as that afforded to official archives and premises of a diplomatic mission. IRC meetings with groups and individuals are not reported

<sup>8</sup> Our postal address is PO Box 2205, Belfast BT4 9EL. Our e-mail address is [enquiries@IRCCommission.org](mailto:enquiries@IRCCommission.org)

paramilitarism to an end needed to focus on tackling the major socio-economic issues facing the communities in which paramilitaries operate, as well as a robust policing and criminal justice response. Having this dual focus in place makes it much more likely that a sustainable solution can be achieved.

1.8 There are many different stakeholders, Governmental and Non-Governmental, involved. As an impartial and independent reporting body, the IRC's central task is to provide analysis of the progress they are making in implementing measures to bring paramilitarism to an end in Northern Ireland.

1.9 This Report comprises four Sections. Section A provides an Overview of our mission and role and a summary of our key observations and findings over the last year. Section B, "Current Landscape: Data and Indicators from Northern Ireland with Models and Lessons from Elsewhere", builds on the baselines we set out in our First Report and reviews the trends and directions of continuing paramilitarism over the past year. We include some comparative material on models and lessons from cities and regions outside Northern Ireland which have experienced similar challenges in transforming communities. Section C, "Implementation of Measures", contains a detailed report on progress in implementing the Executive's specific Action Plan to tackle paramilitarism. We report on how the Recommendations we made last year are being addressed, and make further Recommendations for the way forward, in Section D.

### **Context**

1.10 In our First Report we noted some contextual factors in play and we wish to draw attention to them again in this Report as they are pivotal to the background in which we seek to implement our mandate.

- **The Sequence of Implementation of the Fresh Start Agreement**

1.11 It is important to lay out the sequence in terms of implementing measures towards ending paramilitarism as set out in the Fresh Start Agreement. As a first step in the process, the Fresh Start Agreement provided for the establishment of a three-person panel to report to the Executive on, and make recommendations for, a strategy to disband paramilitary groups. This Panel, comprising Lord Alderdice, John McBurney and Monica McWilliams, produced a comprehensive Report containing 43 recommendations in May 2016<sup>9</sup>. All 43 recommendations were accepted, and in July 2016, demonstrating a significant expression of cross-party support, the Executive published its Action Plan (the “Executive Action Plan” for Tackling Paramilitary Activity, Criminality and Organised Crime<sup>10</sup>) aimed at giving effect to the Panel Report. A dedicated budget was assigned to the Executive Action Plan and structures were put in place for its implementation, with co-ordination assigned to a cross-Departmental Programme Board. Intensive work has been underway since then under the aegis of the Programme Board and the Programme Team. In this Report, we analyse and assess how that work has been proceeding.

- **Continuing Absence of the Executive and Functioning Assembly**

1.12 In terms of other contextual factors, few are as critical as the continued absence since January 2017 of an Executive and functioning Assembly in Northern Ireland. Given the challenges and complexities of bringing paramilitarism to an end, the task is made immeasurably more difficult by this absence of political decision-making. Irrespective of the good work of officials, the police and organisations at community level, ending paramilitarism can only be fully addressed if there is a major input by those with a democratic leadership mandate. We cannot over-state the extent to which the current situation is a major obstacle in achieving that goal.

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<sup>9</sup> <https://www.northernireland.gov.uk/publications/fresh-start-panel-report-disbandment-paramilitary-groups-northern-ireland>

<sup>10</sup> <https://www.justice-ni.gov.uk/news/executive-publishes-action-plan-tackling-paramilitary-activity-criminality-and-organised-crime-0>

- **Brexit**

1.13 Last year we also flagged the uncertainty around Brexit as an additional contextual factor impacting on ending paramilitarism. We make clear again in this Report that the uncertainty around Brexit continues to have a serious impact. This uncertainty, and references to a hard border between the two jurisdictions on the island of Ireland, is being used by some as a pretext and justification for the continuation of paramilitary structures. This pretext and justification will remain a stubborn reality as long as uncertainty persists.

1.14 We note with concern the Organised Crime Task Force's assessment of a heightened risk that organised crime will expand into new sectors and fuel further criminality after Brexit, and that a "No Deal" scenario would lead to changes in criminal behaviours, with potential new criminal markets for previously legitimate commodities<sup>11</sup>.

1.15 While it is impossible to predict at the time of writing this Report the precise implications of what lies ahead, particularly in a No-Deal situation, our concern revolves around the additional complexities that could arise in terms of ending paramilitarism and tackling organised crime.

- **Legacy**

1.16 The complexities in relation to the legacy of the Troubles also impact on our work as events of the past interact with efforts to bring paramilitarism to an end in the present. We welcome the publication of the summary of responses to the UK Government's consultation on the legacy of the Troubles in Northern Ireland in July 2019<sup>12</sup>, and the Northern Ireland Department of Justice's announcement on legacy inquest reform, including confirmation of funding to speed up legacy inquest arrangements and deal with outstanding cases<sup>13</sup>. We note that the Legacy Inquest Unit in the Coroners' Office has now begun processing Troubles-related cases, with

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<sup>11</sup> <https://www.octf.gov.uk/Publications/OCTF-Annual-Report-And-Threat-Assessment/OCTF-Annual-Report-Threat-Assessment-2019>

<sup>12</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/814805/Addressing the Legacy of the Past - Analysis of the consultation responses.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/814805/Addressing_the_Legacy_of_the_Past_-_Analysis_of_the_consultation_responses.pdf)

<sup>13</sup> <https://www.justice-ni.gov.uk/news/doj-announces-legacy-inquest-reform>

the first inquests expected to be held in 2020<sup>14</sup>. We also welcome the Irish Government's delivery on commitments made under the Stormont House Agreement to enact legislation on legacy matters. The Criminal Justice (International Co-Operation) Act 2019 provides the means by which members of An Garda Síochána can provide information to legacy inquests in Northern Ireland. In order to assist in giving effect to other commitments under the Stormont House Agreement, the Act provides the mechanism for the Garda Commissioner to enter into agreements for general co-operation with bodies outside the State that are not police services or law enforcement agencies. This will facilitate cooperation with any Historical Investigations Unit that is to be established in Northern Ireland and the Independent Commission on Information Retrieval. The next steps need to be progressed without further delay to assist in taking forward the work of ending paramilitarism. The trans-generational impact of the conflict, together with the associated trauma, also requires a more coordinated approach than has been taken to date.

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<sup>14</sup> <https://www.bbc.co.uk/news/uk-northern-ireland-49721687>



## **SECTION A2 – OBSERVATIONS AND FINDINGS**

1.17 In this part of the Overview Section, we set out a summary of some key observations and findings based on our work over the last year.

### **Paramilitarism is still a Reality**

1.18 Paramilitarism in Northern Ireland remains a stark reality of life, as reflected by the latest victims of paramilitary violence during the past year. One of the consequences of the paramilitary related deaths this year was a renewed call by the wider public that more needs to be done to end it.

1.19 We remain concerned that paramilitaries continue to exert coercive control in relation to bonfires in some areas, and welcome the work that is being done to address the contentious issues involved. We hope that that process continues so that a more satisfactory resolution to these issues can be reached by the time of reporting next year.

### **Violence linked to Paramilitary Groups**

1.20 For the purposes of our reporting, we rely on a combination of data to measure progress towards ending paramilitarism in Northern Ireland. We provide further detail in Section B.

1.21 The data shows that although there has been a downward trend in the frequency of paramilitary style attacks and shootings and bombings since 2009/10<sup>15</sup>, the number of deaths linked to paramilitary organisations and the number of paramilitary style attacks carried out between 1 October 2018 and 30 September 2019 increased<sup>16</sup>. The continuation of paramilitary violence therefore remains an issue of profound concern<sup>17</sup>. This is where the contextual factors, such as the vacuum created by the absence of political decision-making at Stormont and the

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<sup>15</sup> See Section B for further details

<sup>16</sup> <https://www.psni.police.uk/globalassets/inside-the-psni/our-statistics/security-situation-statistics/2019/september/security-situation-statistics-to-september-2019.pdf>

<sup>17</sup> There were 3 deaths and 81 casualties of paramilitary style attacks linked to paramilitary organisations between 1 October 2018 and 30 September 2019, compared to 1 death and 75 paramilitary style attacks in the previous 12 months

continuing uncertainty regarding Brexit, come into play.

- **Dissident Republicans**

1.22 We note the assessments of the PSNI and the Security Service that the level of threat from Dissident Republicans in Northern Ireland is “severe”<sup>18</sup>. We acknowledge the combined efforts across law enforcement to tackle the threat, including by PSNI’s Terrorism Investigation Unit and the Security Service. Notwithstanding these efforts, however, murder, attempted murder and paramilitary style attacks carried out by Dissident Republicans this year include the following incidents:

- a car bomb outside Derry/Londonderry Court House in January 2019;
- a man was shot in both knees in a paramilitary style attack in Belfast in March 2019;
- the murder of Lyra McKee during an attack on PSNI officers in Derry/Londonderry in April 2019;
- an explosive device planted under the vehicle of a serving PSNI officer in Belfast in June 2019;
- two teenagers suffered leg injuries in a paramilitary style attack in Derry/Londonderry in August 2019;
- three men were injured in another suspected paramilitary style attack in Derry/Londonderry in August 2019. It is believed the attackers used iron bars and baseball bats on the victims;
- a 25-year-old man was shot in the leg by a masked gang in Derry/Londonderry in August 2019;
- a mortar bomb was left near Strabane PSNI station in September 2019; and
- an explosive device was found in the Creggan area of Derry/Londonderry in September 2019.

- **Loyalist Paramilitaries**

1.23 We note the assessment of the PSNI that tensions within the UDA and UVF

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<sup>18</sup> <https://www.mi5.gov.uk/threat-levels>

have added to instability in loyalist communities. Violence perpetrated by loyalist paramilitaries this year includes:

- an assault on a man in Belfast in December 2018. The attackers were armed with baseball bats and a gun;
- the murder of Ian Ogle who died from injuries sustained when viciously attacked by a group of men in Belfast in January 2019;
- a crude Improvised Explosive Device which detonated in Derry/Londonderry in March 2019;
- an assault on a man in East Belfast in May 2019. The gang of masked men used a pick-axe in the attack. The victim sustained a broken arm;
- a young man suffered serious head injuries when he was attacked by a gang of masked men, armed with hammers, in Newtownards in July 2019; and
- two men were attacked by a gang in Newtownabbey in June 2019.

### **General Landscape**

1.24 The landscape of paramilitarism encompasses a wide spectrum of perspectives. At one end are those who we believe are sincere in their wish to see a sustained peace in Northern Ireland and are committed to the goals of the Belfast/Good Friday Agreement, but remain connected to paramilitary organisations on the basis of seeking to support transition. At the other end lie those who are solely or largely focussed on criminality – drugs, extortion, prostitution, blackmail and other crimes – and use the cloak of paramilitarism to support their criminal enterprises. These people also represent part of a wider group which is involved in paramilitary style attacks and other forms of coercive control to exert fear in the neighbourhoods in which they operate.

1.25 Over the last few years, it has become increasingly clear that in addition to the criminal dimensions of continued paramilitarism, there are significant socio-economic factors in play. In Section B of our First Report we mapped, at ward level across Northern Ireland, indicators of paramilitary presence and measures of socio-

economic deprivation<sup>19</sup>. We noted the extent to which they corresponded. While more work is needed to show the significance of this, the mapping indicates that social deprivation and paramilitary activity are linked, and that this is particularly strong in relation to Education and Skills and Health and Disability. In a situation of limited life opportunities and poor economic prospects, the likelihood of young people being attracted to paramilitary organisations, especially where the lure of “easy money” through engaging in criminality, is very great. The chance “of belonging” to a grouping is also a key factor. A serious and comprehensive examination of the causes of continuing paramilitarism needs also to take account of this systemic dimension.

### **The Necessity of the Twin-Track Approach**

1.26 This is why there needs to be a Twin-Track approach to these problems using a criminal justice response (Track One) alongside a systemic response to the socio-economic issues (Track Two).

#### **Track One**

1.27 Track One of the Twin Track approach focusses on the policing and justice responses that are necessary in tackling the criminal dimension of paramilitarism. We emphasise a robust and sustained approach in policing and justice terms as key to the success of the overall Tackling Paramilitarism Programme.

1.28 That is the reason we support the investment which has been made into the investigative capacity for tackling paramilitary groups through the dedicated multi-agency Paramilitary Crime Task Force (PCTF), established in accordance with the Panel’s recommendation. We report on the progress of the PCTF and its impact to date in Section C.

1.29 Based on what we have learned and witnessed this year we make a number of proposals in relation to the Track One approach which we believe will enhance the

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<sup>19</sup> The deprivation domains are Education and Skills, Health and Disability, Employment, Income, Living Environment, Crime and Disorder and Access to Services

law enforcement response, improve the effectiveness of the justice system in Northern Ireland and strengthen confidence in policing. It is our belief that a renewed focus on these issues is required if Track One is to have maximum impact. We summarise our proposals below. Our full suite of Recommendations is set out in Section D.

- **Enhancements to the Law Enforcement Response**

1.30 Recovering the proceeds of crime by way of criminal confiscation or through the use of civil recovery powers stifles the reinvestment of monies in further criminality and boosts public confidence in the criminal justice system. The use of civil recovery powers in particular is a powerful tool in tackling organised criminality, including that carried out by paramilitaries. The powers do not require a conviction, are civil in nature and rely on the civil standard of proof<sup>20</sup>. Civil recovery powers in Northern Ireland are exercised by the National Crime Agency (NCA), in addition to its broader range of responsibilities in tackling serious and organised crime across the UK. We welcome the NCA's involvement in the PCTF and the fact that the NCA agreed to lower the financial threshold for the pursuit of civil recovery cases in Northern Ireland<sup>21</sup>.

1.31 Our engagement with law enforcement agencies this year suggests that the exponential benefits of an approach which is exclusively focussed on recovering illicit assets through the civil recovery process are substantial<sup>22</sup>. We think that the same approach would significantly enhance the law enforcement response in Northern Ireland and **recommend that serious consideration should be given to establishing an agency that focusses solely on civil recovery of the proceeds of crime in Northern Ireland.**

1.32 We appreciate that this would require primary legislation and may not be a viable option at present given the current absence of an Executive and functioning legislative Assembly. In the interim, greater emphasis must be placed on the use of

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<sup>20</sup> The civil standard of proof requires the "balance of probabilities" to be met

<sup>21</sup> Source PCTF: Between November 2017 and September 2019 the NCA obtained three civil recovery orders with a combined value of £345,000 and have frozen property with a gross value of £2.2 million

<sup>22</sup> We visited the Criminal Assets Bureau in Dublin earlier this year and were impressed with the success and impact it is having

asset recovery powers by law enforcement agencies operating in Northern Ireland, including the robust use of civil recovery powers by the NCA.

1.33 Asset recovery could be further strengthened by the use of Unexplained Wealth Orders and other new powers that were set out in the Criminal Finances Act 2017. However, in the absence of an Executive and functioning Assembly, these do not currently extend to Northern Ireland. We are aware that the criteria for Unexplained Wealth Orders would have been met in a number of civil recovery investigations in Northern Ireland had the powers been available to the NCA. We therefore recommend **that these Orders and the additional powers under the Criminal Finances Act 2017 are extended to Northern Ireland as soon as possible to boost the law enforcement response to criminality.**

1.34 In our First Report we noted that visible neighbourhood policing has a key role to play in tackling paramilitary activity. This was based on our engagement with a wide range of groups from civic society who believe there are not enough dedicated and visible neighbourhood police officers on the ground in communities most adversely impacted by paramilitary activity<sup>23</sup>. We welcome the comments of the Chief Constable and his commitment to direct more resources into neighbourhood policing in the coming months<sup>24</sup>. We reiterate the importance of neighbourhood policing and **recommend that increased provision of dedicated neighbourhood policing teams should be fully resourced, and that the neighbourhood policing models currently piloted in some of the areas where paramilitaries operate should be intensified in those areas as a policing priority.**

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<sup>23</sup> We are aware that the Policing Board's Review of Local Policing is complete and await its findings

<sup>24</sup> <https://www.belfasttelegraph.co.uk/news/northern-ireland/psni-chief-simon-byrne-investment-in-neighbourhood-officers-is-a-great-opportunity-to-modernise-for-the-future-38449494.html>

- **Improving the Effectiveness of the Justice System**

1.35 The measures for speeding up justice, set out in the Panel Report and incorporated into the Executive Action Plan, have not been taken forward as recommended<sup>25</sup>. Given the serious nature of offences carried out by individuals connected to paramilitary organisations, we welcome the recent extension of the Unduly Lenient Sentences scheme in Northern Ireland to include offences linked to terrorism, organised crime and paramilitarism<sup>26</sup>.

1.36 We are concerned, however, that the renewed focus of law enforcement on tackling paramilitary activity is adversely impacted by the additional time taken for criminal cases to be disposed of in Northern Ireland as a result of the committal process. The process provides minimal value while imposing onerous demands upon victims, witnesses and the court system. It has been disposed of in other parts of the UK and needs to be disposed of in Northern Ireland. We note that the Department of Justice in its response to the 2018 Northern Ireland Audit Office report confirmed its intention to eradicate committal proceedings by a phased approach over time<sup>27</sup>. The current absence of an Executive and functioning Assembly prevents this from progressing at present.

1.37 Under Scottish legislation it is an offence to become involved in serious organised crime, and/or to 'direct' serious organised crime, and/or fail to report it<sup>28</sup>. The Scottish framework also provides that connections to serious organised crime in a criminal prosecution may be regarded as an aggravating factor which the court must take into account in determining sentence. There are 88 Organised Crime Groups in Northern Ireland, 22 of which have paramilitary links<sup>29</sup>. Organised crime provisions similar to those enacted in Scotland could assist in terms of tackling criminality linked to paramilitaries in Northern Ireland, and may deter some from re-

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<sup>25</sup> We comment on implementation of EAP Actions, including those related to speeding up justice, in Section C

<sup>26</sup> <https://www.justice-ni.gov.uk/news/terrorist-and-paramilitary-related-offences-added-unduly-lenient-sentence-scheme>

<sup>27</sup> [http://data.parliament.uk/DepositedPapers/Files/DEP2018-0537/Departmental\\_response\\_to\\_NIAO\\_recommendations\\_on\\_avoidable\\_delay.pdf](http://data.parliament.uk/DepositedPapers/Files/DEP2018-0537/Departmental_response_to_NIAO_recommendations_on_avoidable_delay.pdf)

The Audit Office report of 2018 compares Crown Court cases in Northern Ireland from 2011-12 to 2015-16 and compares these with Crown Court cases in England and Wales. The parameters are not defined but assuming a common methodology for the counts in both jurisdictions, cases in Northern Ireland take more than twice as long as equivalent cases in England and Wales.

<sup>28</sup> The Criminal Justice and Licensing (Scotland) Act 2010 <http://www.legislation.gov.uk/asp/2010/13/contents>

<sup>29</sup> Source: PSNI

engaging in criminal acts. **We therefore call for progress under Action C2 of the Executive Action Plan, on which we comment further in Section C, to be expedited without further delay.**

### **Track Two**

1.38 Track Two of the Twin-Track approach focusses on the systemic socio-economic issues in communities where paramilitaries operate, including educational under-attainment, exclusion and marginalisation, mental health issues, and difficulties accessing employment. This focus was pre-figured in the Fresh Start Agreement and elaborated on further in the Panel Report, which made specific recommendations under the heading “Addressing Systemic Issues”. These recommendations were subsequently incorporated into the Executive Action Plan and are now being implemented under the Tackling Paramilitarism Programme.

1.39 As we review, half-way through our mandate, how Track Two is proceeding, we fully acknowledge that designing responses to deep-rooted, multi-faceted systemic issues is a more complex challenge than designing criminal justice responses. Moreover, as with any initiative that tackles complex issues, we are conscious of the need to ensure there is capacity to learn and adapt as the implementation process proceeds. That is why, following our First Report, we decided to acquire some additional technical support of our own to help us research what best practice should look like, and to consider what has worked elsewhere in terms of societal transformation. Accordingly, following a procurement process, we acquired the support of RSM UK Consulting. We have drawn upon their work in drafting elements of this Report.

1.40 Reflecting on RSM UK Consulting’s work and from our own engagement, we have arrived at some new insights in regard to the design and structure of the Executive Action Plan and the Tackling Paramilitarism Programme.

1.41 At the outset, it seemed to us that the project-driven approach, with dedicated budgets and time-lines, made strong sense and denoted focus and energy. Based on best practice and models from elsewhere, however, it has become clear to us that a project-focussed approach, while constructed in good faith, does not align with the



nature of the challenges being faced in the communities where paramilitarism has a continuing presence. The systemic socio-economic issues impacting on these communities cannot be effectively addressed by one-off, budget and time-limited projects. Rather, they must be tackled through a holistic, multi-pronged, joined-up and long-term approach.

1.42 That is a key hallmark of the case studies we looked at, with the assistance of RSM UK Consulting, in three cities which previously had major problems around criminality and gangsterism and which have now achieved significant transformation – Glasgow, Limerick and Manchester. As part of our own engagement, we met with the former Chief Executive of Limerick City and County Council who had co-ordinated the programme addressing issues of social exclusion<sup>30</sup>, crime and disorder in that city, and we visited the Scottish Crime Campus and saw how agencies there work together to tackle serious and organised crime.

- **Whole of Government Approach**

1.43 This learning has led us to the view that the tackling of the systemic issues facing communities where paramilitaries operate in Northern Ireland (Track Two) needs to switch from the project-based focus of the Executive Action Plan and the Tackling Paramilitarism Programme, towards a Whole of Government approach, and be integrated into mainstream, long-term Government policy. While the community and voluntary organisations have a crucial role in terms of building capacity and resilience within communities - and we acknowledge the important work they do in communities across Northern Ireland – leadership responsibility and accountability for tackling the issues rests with Government and cannot be outsourced.

1.44 We have already communicated to the Programme Board and the Programme Team our view, and have urged that the logical conclusion is that the tackling of paramilitarism be incorporated into the draft Programme for Government as a new dedicated outcome.

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<sup>30</sup> Conn Murray, Chief Executive Limerick City and County Council 2012 to 2019

- **Public Health Focus**

1.45 A further piece of learning to emerge from our study of practice elsewhere is that effectively addressing the issues involved at community level also requires a preventative approach. This is embodied in the Public Health approach which was adopted in Glasgow, Limerick and Manchester. Their experiences suggest that this enables a better understanding of the specific types of risk that affect young people in a particular situation so that appropriate responses and interventions can be developed. Adopting a Public Health approach in Northern Ireland could help to address the range of interconnected factors which research has shown to impact on young people who are vulnerable to recruitment by paramilitaries. These include adverse childhood experiences, drug abuse, low educational outcomes and living in areas of deprivation.

1.46 We are confident that underpinning the Twin Track approach with a “whole system” and Public Health approach to these factors offers a better likelihood of success, and that it is the right direction for the Tackling Paramilitarism Programme in its next phase. We elaborate further on the Public Health theme in Section B and include case studies of how it has worked elsewhere.

- **Whole of Society/Public Support and Confidence**

1.47 In our First Report we recommended that steps be taken to ensure a wide public debate on all of the issues involved so that there is public support for and confidence in the measures needed to ensure sustainable success in tackling paramilitarism and societal transformation. Given our analysis as to the scale of what is required to implement the comprehensive framework as set out in the Fresh Start Agreement, we still believe that a whole of society buy-in is essential if this more holistic approach is to be adopted. Whole of society support and broad public confidence in the wider socio-economic (Twin Track Two) approach is fundamental if the delivery of the levels of investment and resources as well as the time scale involved are to be achieved. Whole of society support for the criminal justice approach (Twin Track One) is also key. Law enforcement in Scotland has successfully garnered public support for its approach to objectively assessing

organised crime gangs and prioritising law enforcement efforts on the gangs which cause the most harm. In Northern Ireland, PSNI has developed a mapping process with the purpose of identifying, assessing, prioritising and reviewing organised crime groups, including those with links to paramilitary organisations. It is important that this is supported by all of society, without equivocation.

1.48 Too often, the issue of paramilitarism is reduced to a series of throw-away comments or regarded purely as a matter of criminality entirely for the police to deal with. It is, however, much deeper and more complex than that and a more informative dialogue is needed to understand the actions that have been undertaken to address paramilitarism, and why. Over recent months there has been some evidence through radio, television and print media of a more thoughtful discussion on this subject. We encourage this to continue as appropriate communication is required to encourage and enable changes in attitudes and behaviour.

1.49 We believe that these discussions should also embrace a wider societal discussion about the Peace Process itself. It is very clear that paramilitarism is not the only issue of unfinished business of the Peace Process. If there is to be meaningful debate on all of the dimensions of paramilitarism and how to end it, then that means looking at all aspects of the Peace Process that remain unresolved. A wider public debate has not yet taken place on the scale and depth needed and we believe that it now needs to happen.

1.50 We are disappointed that the Commission on Flags, Identity, Culture and Tradition (FICT), which was established to deal with sensitive issues in terms of relations between the different traditions in Northern Ireland, has been unable to report thus far on its work. The issues within FICT's remit are directly relevant to the resolution of the issues with which we are dealing.

### **Towards a Process of Transition for Paramilitaries**

1.51 One of the challenges in tackling paramilitarism and charting a way forward is in establishing the scale of membership across the various organisations. PSNI have advised us that while there are significant numbers, assessed to be in the

thousands, of sworn members of paramilitary organisations across Northern Ireland, the number involved in drug dealing, extortion and other criminal acts is much smaller. Those attending commemorations or funerals and who remain sworn members of paramilitary organisations may still have allegiance to the organisation they joined, but the majority of these individuals are not involved in day-to-day criminal activity. In other words, the vast majority of members of paramilitary organisations are “dormant” in terms of criminal activity beyond the serious offence of belonging to an illegal organisation. The continued presence of the several thousand “dormant” members is however providing cover for the much smaller number of members involved in paramilitary criminality.

1.52 This realisation about the scale of the numbers involved further underlines the challenge faced by society in bringing paramilitarism to a complete end.

1.53 We note the interventions by the PCTF and other branches of law enforcement who continue to address the criminal dimensions involved and we expand further on these in Section C. Alongside these intensive efforts, which we firmly believe could be further assisted by adopting and implementing the recommendations we have made in relation to Track One at paragraphs 1.27 to 1.37, we believe that the time has come – for the benefit of society - for consideration to be given to a dedicated transition process for paramilitaries themselves to bring paramilitarism to an end<sup>31</sup>.

1.54 We acknowledge that there is no consensus on the issue of transition, and that our raising of it in this Report may be a matter of controversy in itself. The specifics of how such a transition process would work would be a matter for Governments and the Executive. Our goal here is to highlight the importance of having this issue dealt with. We acknowledge that there are a range of complexities to be addressed and resolved such as the impact of legacy, sensitive legal questions, and what “success” would look like in relation to disbandment or its alternatives. A further factor is the stated wish of several of the paramilitary

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<sup>31</sup> We note that the Ministerial Pledge of Office and the undertaking by Members of the Legislative Assembly which commits both to work to achieve the disbandment of all paramilitary organisations and their structures, and support those who are determined to transition away from paramilitarism

organisations themselves to see transition happen. Deproscription, and whether or not the deproscribing of a paramilitary organisation is a viable option, also needs to be addressed. There are major sensitivities around the issue – particularly from the perspective of victims – but given that the option of deproscription remains on the Statute Book, it should be considered if only to eliminate the possibility so that other options can be put forward.

### **Some other Issues we have Encountered**

1.55 We make reference in the following paragraphs to a number of other issues encountered in the course of our work, which have been drawn to our attention and which link to the Whole of Government approach.

- **Racism and Hate Crime**

1.56 We have had representations from a number of groups and individuals on their experiences of racism and hate crime and have received first-hand accounts of victims being intimidated out of their homes. Although their perceptions are that some of these crimes have a paramilitary dimension, the PSNI does not have hard data on links to paramilitarism at present. We will continue to probe race and hate crime, and whether there are links to paramilitarism, with the relevant authorities. The perceptions of those we have heard from however, whether supported by intelligence data or not, points to another deeply unacceptable facet to paramilitarism and the fear that these organisations continue to exert on communities. This reinforces the need to accelerate efforts to bring paramilitarism, to an end.

1.57 We welcome the review of hate crime legislation by Judge Marrinan as an important step towards strengthening the criminal justice response. The review is set against the context of the continued burning of flags and effigies on bonfires which, regardless of affiliation, causes heightened community tensions and unrest. We welcome any improvement in the ability of law enforcement to respond to these issues.

- **Integrated Education and Housing**

1.58 We have also had representations from groups calling for greater integration in education and housing. They make the case that enabling children from different backgrounds to live in the same areas and be educated together improves the likelihood of better community relations and lessens the likelihood of young people becoming vulnerable to the influence or control of paramilitaries.

1.59 Our purpose in mentioning the promotion of integrated education and housing is to note that these issues form key parts of the public discourse on tackling paramilitarism.

### **SECTION A3: REPORTING ON PROGRESS SO FAR**

1.60 In the preceding Sections of this Report we have set out our analysis of the progress which has been made in tackling paramilitarism since our First Report. In doing that, we have made reference to specific measures in the Executive Action Plan, and in this Section we make further comment on that.

1.61 We welcome the progress that is continuing to be made by the Tackling Paramilitarism Programme. We also welcome the fact that, in response to a recommendation in our First Report on the need for enhanced co-ordination, the Programme Board is currently chaired by the Head of the Northern Ireland Civil Service. On Track One (the policing and justice responses), we commend the continuing progress of the PCTF and the impact it is having as it moves forward. We set out more detail on this in Section C.

1.62 On Track Two (tackling the socio-economic issues in the communities in which the paramilitaries operate), we welcome the efforts that have been made by the Programme Team, together with other officials in the Northern Ireland Civil Service, by the local Councils and by several Non-Governmental Organisations, to put together programmes to tackle the numerous dimensions involved. In recognising that this requires diffuse and dispersed elements to work in an integrated way, we have continuing concerns about how this is being implemented on the ground.

1.63 A major concern is that the design of the Tackling Paramilitarism Programme is not sufficiently aligned with the scale of educational under-attainment, unemployment, poor mental health, addiction and endemic poverty. These are deep-rooted and complex issues and can only be addressed by multi-faceted, sustained, joined-up programmes. That is why, in this Report, we call for the tackling of paramilitarism to be incorporated into the draft Programme for Government as a new dedicated outcome, to embed the Whole of Government approach.

1.64 While we have welcomed the progress being made by the PCTF to tackle criminality, we have concerns in regard to other Track One measures. In particular, we are disappointed that further progress has not been made on speeding up justice.

We think that delays in the justice system are now a real obstacle to the efficient tackling of paramilitarism and urgently need addressing. We have made a Recommendation in that regard in Section A2. Our full suite of Recommendations is set out in Section D.

1.65 In terms of the broader role of policing in the tackling of paramilitarism, we continue to have concerns about the pace of enhancing neighbourhood policing. We drew attention to this issue in our First Report. The consistent feedback from communities affected by paramilitarism has been that one of the factors involved is the decline of neighbourhood policing in those areas. We have already noted the Chief Constable's determination in tackling paramilitarism and welcome his commitment to direct more resources into neighbourhood policing<sup>32</sup>. When we visited both the Carrickfergus and Foyle PSNI stations during the year, we saw the impact of good neighbourhood policing<sup>33</sup>. If neighbourhood policing requires additional resources, that should be supported.

1.66 There is also a cross-border dimension to tackling paramilitarism. The threat from Dissident Republicanism has a particular North/South dimension and we note the extent and the effectiveness of the co-operation between the authorities in both jurisdictions. We have met regularly with the PSNI and AGS at senior level and have benefited from these briefings in relation to our work. The structures set up under the umbrella of the Joint Agency Task Force, bringing together the relevant authorities North and South to tackle organised and cross jurisdictional crime, continue to function well<sup>34</sup>.

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<sup>32</sup> See paragraph 1.34

<sup>33</sup> We comment further in Section C

<sup>34</sup> Between April 2018 and March 2019 the Joint Agency Task Force conducted 79 searches, resulting in 31 people being charged or reported. Over £3,600,000 of criminal assets were seized or restrained and drugs with a street value of £5,278,000 were prevented from reaching the streets. The Task Force also seized 11 weapons.



## **SECTION A4: CONCLUSION**

1.67 Paramilitarism remains a major part of the unfinished business of the Peace Process. While encouragement can be taken from the effort that is currently being made to bring it to an end, the data and indicators of paramilitary activity, which are set out in the following Section, show that there are no grounds for complacency. With that in mind, we make a number of recommendations in Section D.

## **SECTION B: CURRENT LANDSCAPE: DATA AND INDICATORS FROM NORTHERN IRELAND WITH MODELS AND LESSONS FROM ELSEWHERE**

### **General Reporting**

2.1 The IRC is required to report generally on progress towards ending paramilitary activity. In our First Report we drew upon data sources, including PSNI Security Statistics, to establish trends and baselines against which we would measure progress towards ending paramilitary activity in future reports. We also mapped indicators of paramilitary activity alongside deprivation measures at ward level across Northern Ireland. Our analysis suggested that social deprivation and paramilitary activity are linked, particularly in relation to Education and Skills, and Health and Disability.

2.2 In this Report we again draw on data from a number of sources. We are grateful to the statutory agencies who have provided us with the relevant input.

2.3 Using data from PSNI on reported incidents of paramilitary activity we provide an analysis of the trends over the last ten years and comment on activity during the last year. We also draw upon data from the Department for Communities relating to homelessness due to paramilitary intimidation.

2.4 This year, we have again taken an area-based approach to map, at ward level, indicators of paramilitary presence. This year we have considered the extent of links between educational under-attainment and indicators of paramilitary activity. The outcome of our analysis is set out below.

2.5 We have also broadened our data sources to draw upon analysis of public perceptions of paramilitary influence<sup>35</sup>. This is an important indicator of how people in communities feel about the impact of paramilitarism on their lives, and provides an

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<sup>35</sup> <https://www.ark.ac.uk/nilt/>

additional baseline against which we can report progress in future Reports.

2.6 In this Report we also consider examples of successful community transformation models which have been used in Glasgow, Limerick and Manchester to address major problems of criminality and gangsterism<sup>36</sup>. The transformation which has been achieved in these cities has informed our thinking as to the approach required to effectively address the underlying issues which are preventing societal transformation in Northern Ireland. These include addressing educational under-attainment and giving young people who are vulnerable to paramilitary influence an alternative pathway through the provision of improved employment prospects. It also includes investing in transformative community development and addressing the health issues, including mental health and drug abuse, that are more prevalent in communities which are vulnerable to paramilitary presence.

### **Security Situation Statistics**

2.7 PSNI's recorded security statistics are the main source of official information on the security situation in Northern Ireland. Their data includes information on the numbers of shootings, bombings and paramilitary style attacks.

- **Security Related Deaths**

2.8 Table 1 shows security related deaths<sup>37</sup> for the last ten years.

*Table 1: Security Related Deaths 2009/10 to 2018/19 (financial years)*

2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
2	1	1	2	1	3	3	5	2	2

Source: PSNI

2.9 The number of security related deaths during this period has remained low and at consistent levels, with the exception of 2016/17 when there were five deaths

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<sup>36</sup> Research conducted by RSM UK Consulting

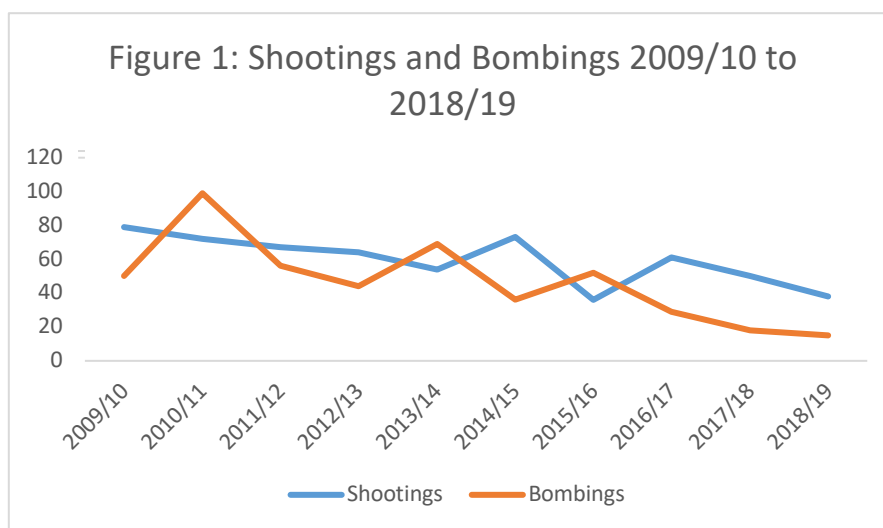
<sup>37</sup> Source of definition: PSNI Recorded Security Situation Statistics: "Security related deaths are those which are considered at the time of the incident to be directly attributed to terrorism, where the cause has a direct or proximate link to subversive / sectarian strife or where the death is attributable to security force activity"

linked to paramilitary organisations.

2.10 It is disturbing to note that the number of paramilitary related deaths during the period 1 October 2018 to 30 September 2019 increased to three, compared to one in the previous twelve month period.

- **Shootings and Bombings**

2.11 Figure 1 shows the trend for shootings<sup>38</sup> and bombings<sup>39</sup> for the last ten years.



Source: PSNI

2.12 While there has been some fluctuation in the number of shootings and bombings during this period, the general trend since 2009/10 has been a decrease in both types of incident. This downward trend has continued over the last three years.

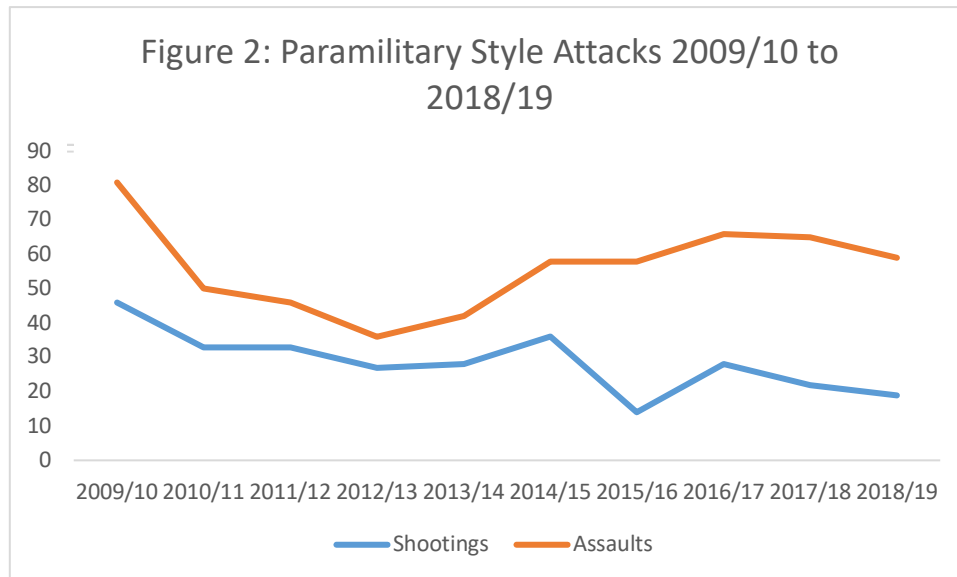
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<sup>38</sup>Source of definition: PSNI Recorded Security Situation Statistics: “These include any shooting incident relating to the security situation and include shots fired by terrorists, shots fired by the security forces, paramilitary style attacks involving shootings and shots heard (and later confirmed by other sources)”

<sup>39</sup> Source of definition: PSNI Recorded Security Situation Statistics: “These include all incidents where a bombing device explodes or is defused. If a device is found that is not complete or armed, then it is recorded as a ‘find’ and not as a bombing”

- **Paramilitary Style Attacks**

2.13 Figure 2 shows the trend for paramilitary style attacks for the last ten years.



Source: PSNI

2.14 Paramilitary style attacks - assaults and shootings carried out by paramilitary organisations<sup>40</sup> - are a clear manifestation of paramilitary activity and are some of the ways in which these organisations exert control over communities. There has been some fluctuation in the frequency of paramilitary style attacks over the last ten years, particularly in relation to assaults which were in decline until 2012/13, increased in frequency until 2016/17, and have decreased in the two years since then. The statistics confirm that reported assaults remain higher than shootings, and that the gap has widened in the last four years. In general, shootings are mostly associated with Republican paramilitaries, and assaults with Loyalist paramilitaries. This suggests that Loyalist paramilitaries are more active with regard to this form of paramilitary activity.

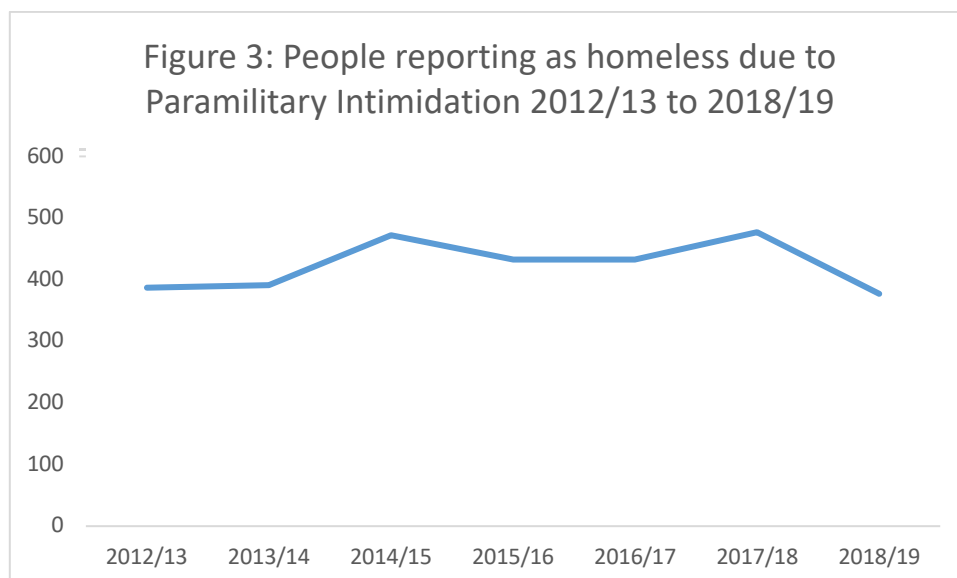
<sup>40</sup> Source of definition: PSNI Reported Security Situation Statistics: “Paramilitary style assaults are usually carried out by Loyalist or Republican groups on members of their own community as a so-called “punishment”. The assault will involve major or minor physical injury to the injured party typically involving a group of assailants armed with, for example, iron bars or baseball bats. Paramilitary style assaults that result in death are counted as ‘security related deaths’ and are not reflected in the paramilitary style assault figures”

2.15 Although the data confirms that the trend in relation to paramilitary style attacks over the last ten years – that is, the total number of assaults and shootings in each of those years – shows an overall decrease, there has been a worrying increase in the frequency of paramilitary style attacks since 1 April 2019. There were twelve such attacks in June 2019 and nine in August 2019.

2.16 The analysis we can derive from these security statistics shows that although there has been an overall downward trend in the frequency of shootings and bombings and paramilitary style attacks in the last ten years, the number of deaths linked to paramilitary organisations and the number of paramilitary style attacks during the last year (from 1 October 2018 to 30 September 2019) has increased. The continuation of paramilitary violence therefore remains an issue of profound concern.

### **Homelessness due to Paramilitary Intimidation**

2.17 Figure 3 shows the numbers of people reporting to the Northern Ireland Housing Executive as being homeless due to intimidation by paramilitaries over the last five years.



Source: Northern Ireland Housing Executive

2.18 The numbers have fluctuated over the last seven years. The highest number of reports was recorded in 2017/18 (477), and the lowest was in 2018/19 (377). Although this reduction is to be welcomed, it is unacceptable that anyone is intimidated out of their home by paramilitaries.

### **Perceptions of Paramilitary Influence**

2.19 Respondents to the Northern Ireland Life and Times Surveys in 2017 and 2018 were asked specific questions about the influence and impact of paramilitary groups in their area, and how confident they feel in police to keep their area safe<sup>41</sup>. Responses, which are set out in Appendix C, show that the number of those surveyed who strongly agreed or agreed that paramilitary groups have a controlling influence in their area was relatively low. A similar number in the 2018 survey believed that young people are being influenced by such groups in their area. However, if the same percentages as those recorded in the 2018 survey were applied to the population of Northern Ireland as a whole, they would represent 180,000 people in Northern Ireland who agree with these statements.

2.20 The responses also show increases in confidence in policing and the justice system, and a marginal decrease in the number of those who said that paramilitary groups help to keep their area safe. It is not statistically possible to determine trends from just two years of data, but we will use the results of these annual surveys to set baselines against which we will report on changes in perceptions of paramilitary influence in future Reports.

### **Educational Under-Attainment**

2.21 In our First Report we mapped, at ward level across Northern Ireland, certain indicators of paramilitary presence to enable us to consider links to social deprivation<sup>42</sup>. Our analysis showed that of the 462 wards in Northern Ireland, some form of paramilitary incident had taken place in 218 of them. The wards with the

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<sup>41</sup> Community Safety and Perceptions of Paramilitary Influence, NILT, accessed 6 September 2019: <https://www.ark.ac.uk/nilt/results/comsafety.html>.

<sup>42</sup> For the purposes of this Report, indicators of paramilitary presence include paramilitary assaults, paramilitary style shootings, all shootings and bombings, paramilitary murals and memorials and conflict-related deaths.

highest frequency of each of the paramilitary indicators were then identified. The analysis showed that in terms of multiple deprivation, nine of the ten most deprived wards in Northern Ireland also contained at least one paramilitary indicator. Eight out of the ten most deprived wards contained at least one indicator at a higher frequency. The same analysis was undertaken for each of the seven individual deprivation domains and we found a correspondence between **Education and Skills** and **Health and Disability** domains and paramilitary indicators.

2.22 Building on last year's analysis, and drilling into what we found in relation to a correspondence between Education and Skills with paramilitary indicators, we have mapped statistics for educational attainment by post primary students overlaid with indicators of paramilitary activity at ward level.

2.23 Maps one and three show GCSE attainment for Grade C and above (including English and Mathematics) and A level attainment for 2017/18 at ward level, overlaid with the wards where four or more paramilitary assaults or two or more paramilitary shootings have taken place in the last five years. The maps show that paramilitary style attacks are largely concentrated in urban areas, specifically Belfast and Derry /Londonderry, and that there is a bias towards areas of lower educational attainment although not exclusively so. The clusters around urban areas are shown in four localised maps (*maps 2 and 4*), which are replicated in larger scale at Appendix C<sup>43</sup>.

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<sup>43</sup> These maps have been prepared using Open data Ordnance Survey NI products



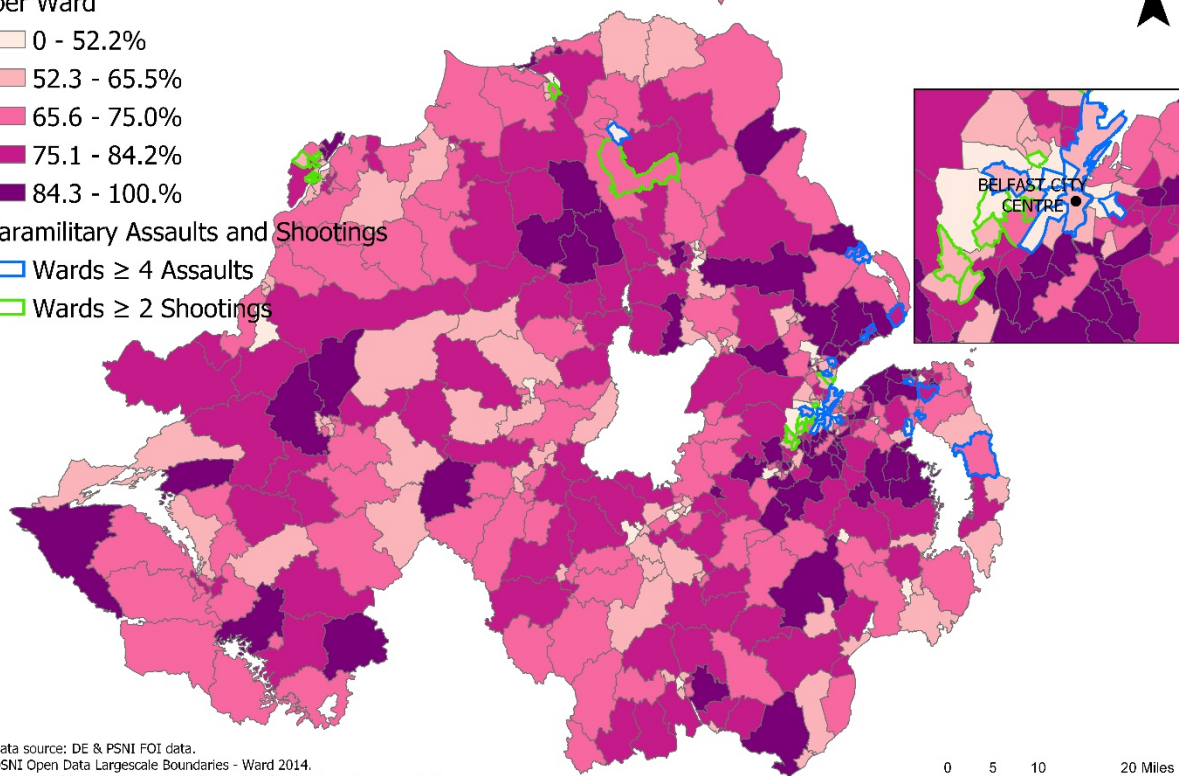
Map 1: School leavers with five or more GCSEs Grades A\* to C 2017/18

% of School Leavers with 5 or more GCSE's inc. Maths & Eng, 2017/18  
per Ward

- 0 - 52.2%
- 52.3 - 65.5%
- 65.6 - 75.0%
- 75.1 - 84.2%
- 84.3 - 100.0%

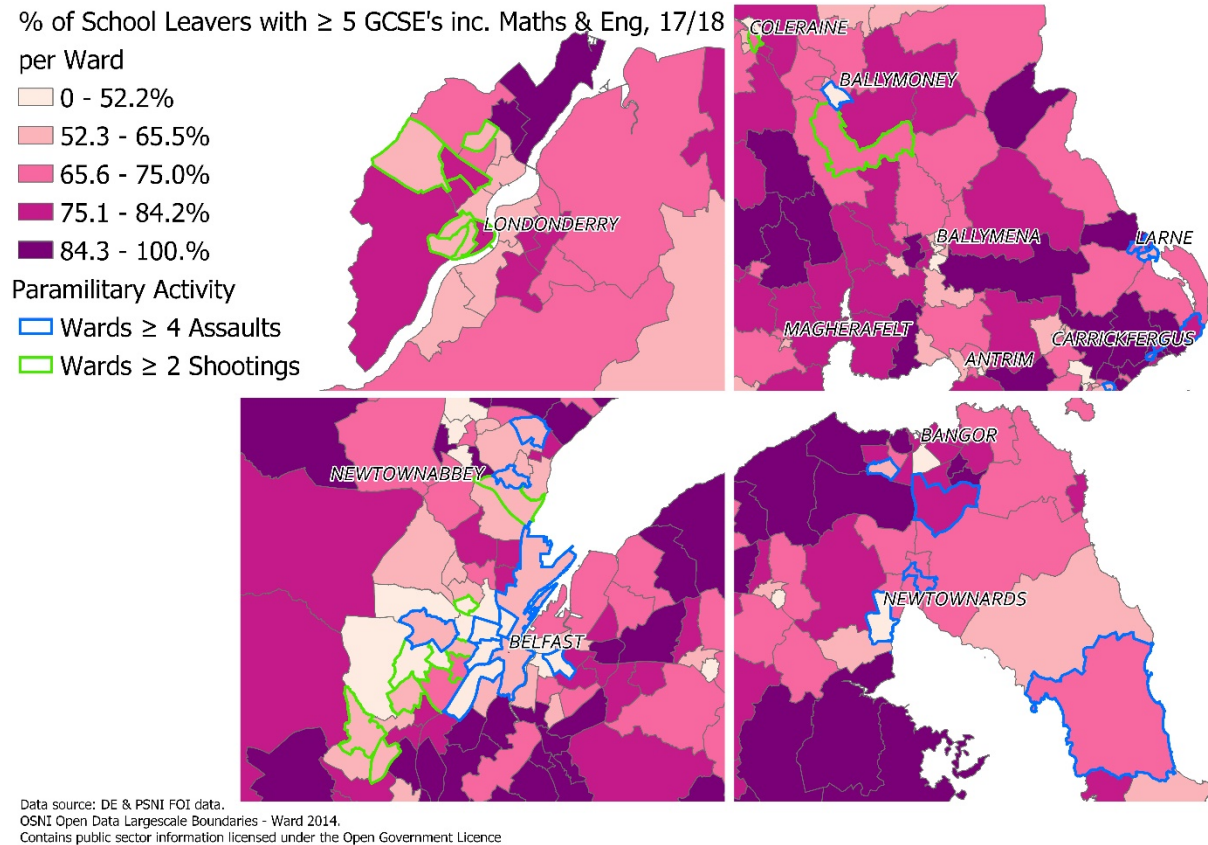
Paramilitary Assaults and Shootings

- Wards  $\geq$  4 Assaults
- Wards  $\geq$  2 Shootings



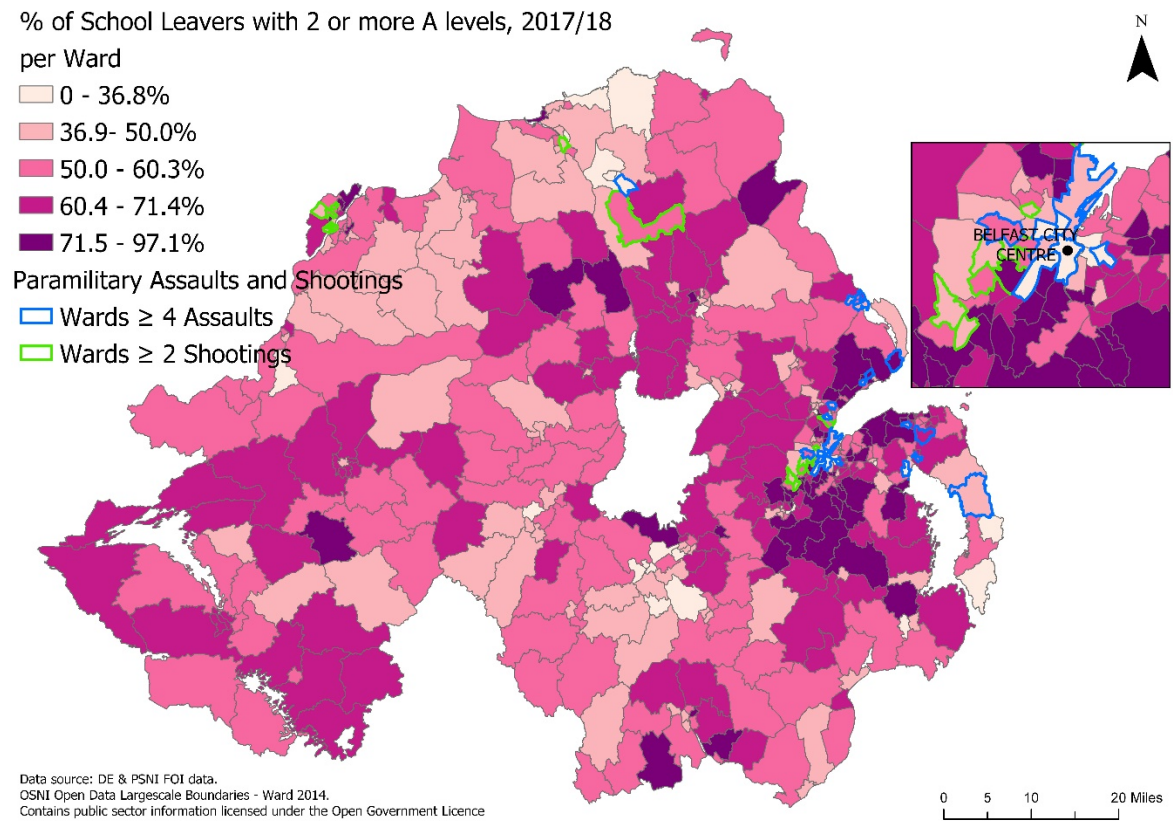
Data source: DE & PSNI FOI data.  
OSNI Open Data Largescale Boundaries - Ward 2014.  
Contains public sector information licensed under the Open Government Licence

Map 2: school leavers with five or more GCSEs Grades A\* to C 2017/18 (localised)

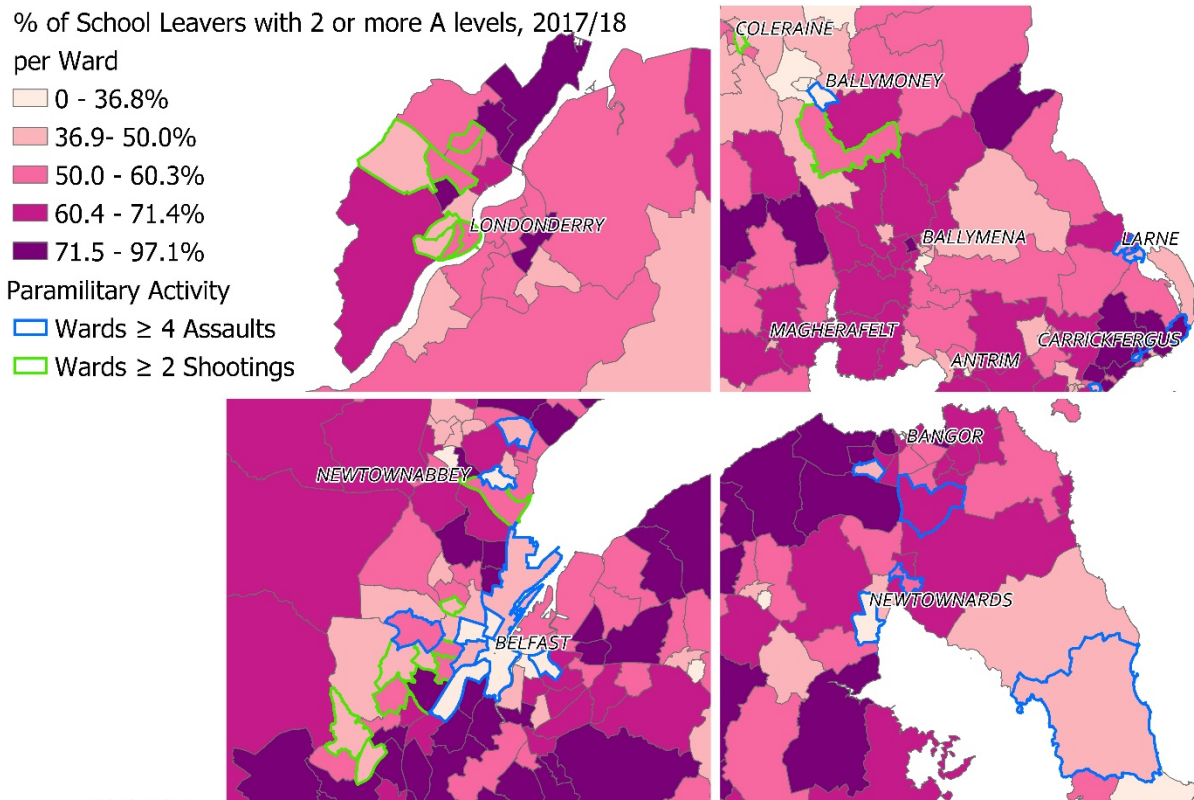


2.24 This shows that seventeen of the 23 wards with four or more paramilitary style attacks, and seventeen of the 22 wards with two or more paramilitary style attacks fell below the average GCSE attainment with Maths and English for school leavers in 2017/18.

Map 3: school leavers with two or more A levels 2017/18



Map 4: school leavers with two or more A levels 2017/18 (localised)



Data source: DE & PSNI FOI data.  
 OSNI Open Data Largescale Boundaries - Ward 2014.  
 Contains public sector information licensed under the Open Government Licence

2.25 This shows that seventeen of the 23 wards with four or more paramilitary style attacks and fifteen of the 22 wards with two or more paramilitary style attacks fell below the average A level attainment for school leavers in 2017/18.

2.26 This demonstrates that there was lower average educational attainment in 2017/18 in wards where there have been higher levels of paramilitary style attacks. While not definitive, this indicates correspondence between wards with higher frequencies of paramilitary style attacks and lower educational attainment. While this by itself does not demonstrate a causal relationship between the two, it is clear that educational under-attainment and paramilitary style attacks occur in the same places.

2.27 The eight areas which have been identified under Action B4 of the Executive Action Plan as being vulnerable to paramilitary activity and control do not fit neatly

into ward geographies and cannot be mapped in the same way<sup>44</sup>. Applying average attainment at GCSE and A level to the closest wards to the B4 areas, however, indicates that nineteen of the 22 wards fell below the average GCSE (including Maths and English) attainment, and fourteen of the 22 wards fell below the average A level attainment.

2.28 We provide further comment on educational under-attainment, which we regard as a profound challenge in the communities in which paramilitaries operate, in Section C<sup>45</sup>.

2.29 Achieving transformation on this issue will be one of the most significant contributors to ensuring a Northern Ireland which is sustainably free of paramilitarism, however much more needs to be done to achieve that. We will look at this issue in more detail in the coming year and will report our findings in our third Report.

### **Case Studies**

2.30 The following are examples of successful community transformation models which have been adopted elsewhere to address major problems of criminality and gangsterism<sup>46</sup>. They provide compelling evidence that the whole system approach to societal issues, and the underlying causes, is key to effective transformation.

(i) Glasgow

In response to the high number of gang murders in Glasgow, Strathclyde police established a Violence Reduction Unit in 2005 (VRU). Supported by the Scottish Government, the unit adopted a public health approach using a framework through which violence was seen as preventable, not inevitable. The VRU model was based on three concepts: (1) enforcement; (2) services and programmes; and (3) the moral voice of the community.

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<sup>44</sup> See Section C, Action B4

<sup>45</sup> See Section C, Action D1

<sup>46</sup> Source: RSM UK Consulting

A Community Initiative to Reduce Violence (CIRV) in Glasgow focussed on a deterrence strategy using a partnership approach involving police, social services, education, housing and community safety services along with the local community. Building on an asset-based and public health approach, the CIRV held engagement meetings asking gang members to voluntarily attend. A dedicated case manager within the CIRV team identified the various needs of individual gang members and tailored the services accordingly. Adopting a 'whole systems' approach, it focussed on the health and social needs of each person, as well as addressing criminal activities.

One example of its Community Initiative to Prevent Violence (CIPV) focussed on the Gorbals area of Glasgow and involved community planning partners, a housing association and third-sector agencies that were dealing with offending, criminal justice and employability. Its thematic approach revolved around leadership; sustained partnership working; co-production with young people; and a focus on outcomes. The multi-agency group targeted specific individuals and developed tailored interventions with peer support based on their needs. The project teams found that this also created a 'ripple effect', drawing in other gang members and affiliates. The intervention delivered an 80% reduction in crime related to the specific individuals. Outcomes included improved mental health, increased employability through attendance at training, and reduced social isolation. From 2008 to 2011, there was a 42% reduction in violent crime in the targeted area. As a result of management and political issues at the local Council level, it was stood down in 2011. However, the Scottish Government expanded the remit of the VRU to work closely with health and education agencies. This continues to have positive outcomes.

The VRU notes that community engagement, data sharing, and partnership-building between young people, families, schools, communities, and public services, are important in identifying local risks and protective factors, identifying those with the greatest need and supporting gang and violence prevention efforts. An evaluation of the VRU highlights that placing value on the knowledge and experience of local people requires significant investment

and sustained political will. It concluded that when local community members have been trained to facilitate a process, this capacity remains within the community for the future. As such, a public health approach to tackling gang and serious crime violence needs a whole-system, community-based approach.

(ii) Limerick

In the early 2,000's there was an outbreak of serious gangland crime and feuding in Limerick which led to several murders and constituted a huge crisis for the City and the authorities. The situation was the culmination of many factors coming together over a long period of time – including poor social housing policy, high unemployment, serious mental health issues and high rates of suicide. Largely based on the drugs trade, criminal gangs were established and became significant players in national and international drugs networks resulting in Limerick having more than three times the national rate of firearms offences and the highest murder rate of any Irish city. Those persons most at risk were identified as young people experiencing social exclusion, and offending was found to be linked to geographical areas where disadvantage was strongly embedded. Most lived in housing estates that were socially and economically disadvantaged, many had left school with no educational credentials and no opportunities to achieve breadwinner status. Research undertaken with those involved in criminal activity showed that the political rewards of participation, such as acceptance, respect and status among peers, were the most significant factors in motivating gang-related criminal behaviour. In addition, the financial and economic rewards from involvement in drugs distribution acted as compelling factors motivating participation in criminal and gang activity.

In 2007, the Government commissioned the Fitzgerald Report proposing radical action and the creation of an ambitious regeneration plan for Limerick. It combined tackling criminality with addressing the socio economic issues facing the key housing estates involved. The Government accepted this plan and two Regeneration Agencies were established to implement it. A number

of factors intervened which slowed the pace of implementation – principally the major economic recession which impacted from 2008 onwards.

Following the amalgamation of the two Councils in Limerick – the City Council and the County Council – a new initiative was established to build on the Fitzgerald Project. The newly merged Council took over the work of the two Regeneration Agencies. The Limerick Regeneration Framework Implementation Plan 2014 (LRFIP) set out a range of ambitious initiatives aimed at transforming the housing estates and the lives of the people living there. The key strands identified were tackling criminality (to create the conditions for other interventions to be successful, and for restoring the confidence of local communities); economic and infrastructural regeneration (to create employment, improve access and provide a better commercial and housing mix) and coordinated responses to social and educational problems – to break the cycle of disadvantage.

This LRFIP is working well and sits alongside and is integrated with a wider Economic Plan for Limerick as a whole (Limerick 2030). The result is that Limerick is in the midst of a major transformation, and the Regeneration Plan is a critical element of that.

During a briefing with the IRC earlier this year, the former Chief Executive of Limerick Council noted that the key to the success of the LRFIP was the multi-agency approach to its implementation, together with community buy-in from the outset which continues on an on-going basis<sup>47</sup>. The Plan is led and co-ordinated by the Council who work alongside several other public bodies. These include the An Garda Síochána, the Health Services, the Department of Housing, Planning and Local Government (the main funder), the Educational Institutions as well as other arms of Government. It is accepted that the Plan will be long-term, given the issues involved. A key early part of the Plan was the intensive Garda operation to deal with the criminal gangs. This was a fundamental building block to the success of the Plan as a whole.

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<sup>47</sup> Conn Murray, Chief Executive Limerick City and County Council 2012 to 2019



There has also been a strong focus on economic issues – training, job creation and bespoke investment in the areas in question.

A Limerick Community Safety Partnership was also initiated as part of the wider process of regeneration. It focussed on increasing community safety; improving the environment; promoting community spirit and creating awareness of its aims through education.

A review of the LRFIP in 2016 highlighted the success of the interventions designed to tackle crime and anti-social behaviour. The number of reported criminal offences and categories of offences typically associated with youth crime (disorderly conduct, theft of vehicles, criminal damage) decreased significantly. The number of young offenders being prosecuted in Limerick also decreased significantly, reflecting a national policy to avoid criminalising children (under the age of 18) and using youth diversion projects to divert young people away from crime. These included professional organisations working with the young people, engaging them in positive activities, including sport, and supporting those most at risk.

The review also highlighted the importance of tailoring interventions to particular circumstances rather than applying a ‘one size fits all’ approach. Interventions were embedded in a targeted framework to ensure that supports could be sustained over the long term. For ‘hard to reach’ groups such as young people and families at risk, outreach in local communities and activities centered on sport, recreation, music and cultural activities proved to be strong attractors to young people. Links between social interventions and community policing have also proved to be particularly effective.

The Limerick case study is an exemplar in terms of how tailored, integrated interventions can make a significant difference in addressing previously intractable problems of criminality combined with socio-economic disadvantage.

(iii) Manchester

A Manchester-based project was developed in 2008 in response to gang-related violence drawing on problem-oriented principles. In areas of Manchester, gang members carried firearms for reasons that were partly protective, partly symbolic and partly instrumental for the commission of violent crime. The victims and the suspected perpetrators of gun violence tended to have similar attributes and were mainly young, black or mixed-race males, who had extensive criminal records. The victims of shootings were generally known to have been involved in gangs.

To tackle the problem, a multi-agency Manchester-based project was designed and staffed by practitioners from the Youth Offending Team, the Housing Department, Probation, Youth Services and Education, a police project manager, civilian implementation and information managers, as well as two ex-gang members who acted as outreach workers. Many of the practitioners saw their roles primarily in terms of preventing and diverting youngsters from engaging in gang-related activities rather than enforcing criminal or civil law. The practitioners perceived the problems of shootings in terms of gang membership and were concerned with altering the social conditions they believed caused the gangs to arise and persist. Their focus was on identifying those at risk of becoming involved in gangs and developing preventative and diversionary interventions.

A range of difficulties were identified in implementing this approach. These highlighted a lack of clarity about determining which young people were gang members, or at risk of becoming gang members. What was also problematic were the negative implications for the young people themselves and that, once determined as gang members, they would have to live up to the expectation. Rather than focusing on the term 'gang', the project's evaluation concluded that a wider understanding of risky behaviour was needed so that interventions could be directed at persistent offending/anti-social behaviour that had the potential to engender wider community approval. Focussing on preventative or enforcement actions around the harmful, problematic individual or groups, behaviours that gang members exhibit – such as

shootings or other specific forms of violence – could be more effective and more efficient than orientating that activity around gang membership or a gang, per se.

## SECTION C: IMPLEMENTATION OF MEASURES

3.1 As already noted, the IRC also reports on the progress being made to implement the Executive Action Plan, as well as on implementation of measures of the UK and Irish Governments.

3.2 We have explained the key stages in the implementation of the Fresh Start Agreement in terms of ending paramilitarism and the work of the three-person Panel and its recommendations to the Executive for a strategy to disband paramilitary groups<sup>48</sup>. The Executive's response to the Panel's recommendations was the development of an Action Plan, published in July 2016, reflecting a programme of work through which the recommendations would be implemented<sup>49</sup>. The Action Plan identified the lead NI Departments and agencies who would take the work forward.

3.3 New structures, which were created within the Northern Ireland Civil Service to drive implementation, include a Programme Board which, following a recommendation in our First Report for an additional approach to enhance delivery, is now Chaired by the Head of the Civil Service. The Programme Board includes senior representatives from relevant Northern Ireland Departments, a senior representative from PSNI who attends in an advisory capacity, and a senior representative of the Northern Ireland Office who attends with observer status given the Northern Ireland Office's role in co-funding the programme of work. The Programme Board supports the Senior Responsible Officer (SRO) in setting strategic direction, making collective decisions on implementation, advising on delivery mechanisms and funding, and monitoring and reporting on progress. Another key part of the new structures is the Programme Team, which is located in the Department of Justice and co-ordinates and drives delivery of the programme and promotes collaboration across all actions on a cross-Departmental and cross-sectoral basis. We acknowledge the complexities and challenges involved in delivering a programme of this scale, in particular in the absence of an Executive.

3.4 In this Section we report on the progress being made to implement each of the Actions set out in the Executive Action Plan, highlight where we believe progress

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<sup>48</sup> See paragraph 1.11

<sup>49</sup> Referred to in this Report as "The Tackling Paramilitarism Programme"

has been made, and include case studies of some of the good work that is being delivered. We also highlight areas that fall short of our expectations so that those tasked with taking these Actions forward may evaluate what more they need to do. We make recommendations on how some of these issues could be addressed in Section D.

## ***PART I: EXECUTIVE ACTION PLAN***

3.5 Of the Panel's 43 recommendations, 38 are for the NI Departments or other Northern Ireland statutory bodies to take forward and are set out in the Executive Action Plan. In this Part of our Report we have considered what the Executive stated it would do to implement each Action, the progress that has been reported to us by those charged with taking the Actions forward ("project leads"), and our evaluation of what is being done.

3.6 The measurement we have applied in each case is consistent with the approach we used in our First Report. It is:

**Action complete.** An Action from the Action Plan which, in our view, has been undertaken and completed.

**Action underway.** An Action from the Action Plan which, in our view, has been started but is not yet complete. We note where follow up is required.

**Action planned.** An Action from the Action Plan which, in our view, has not yet started but there are clear plans to do so. We note where follow up is required.

**Action not taken.** An Action from the Action Plan which, in our view, has not been planned or is suspended. We note where follow up is required.

3.7 We report on implementation of the other five Actions which are to be taken forward by the UK and/or Irish Governments in Part II of this Section.

### **Sources of Information**

3.8 In making our evaluation we have drawn upon the written quarterly updates we receive, co-ordinated by the Programme Team on behalf of the SRO and shared with us, on what is being done by each Department or agency to implement the Action assigned to them. We have also drawn upon discussions with the relevant officials and other delivery leads on the progress they are making and the challenges they face. We are grateful for the assistance they have provided alongside that of law enforcement and other statutory and non-statutory bodies.

3.9 Throughout the year we met with representatives of civic society, from Non-Governmental Organisations, and from members of communities affected by paramilitary activity. We have listened carefully to their feedback on the implementation of the Action Plan and the impact these measures are having on the ground.

3.10 An additional source of information and support for the IRC during this year was the work we commissioned from RSM UK Consulting, including reviewing progress in implementing the societally focussed measures of the Action Plan and reporting to us what they found<sup>50</sup>.

### **Executive Action Plan: Analysis**

3.11 Overall, our analysis confirms that progress has been made in most of the 38 Actions which are for the NI Departments or other Northern Ireland statutory bodies to take forward. Some Actions have advanced further than others, and those which require legislation or ministerial decisions have been significantly hindered by the continuing absence of an Executive and functioning legislative Assembly.

3.12 We found that progress in implementing those Actions which are societally focussed is varied. There are examples of good practice – and we comment further on these throughout this Section - but there are also areas where little or no progress has been made. Our analysis also found that although monitoring and evaluation

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<sup>50</sup> See paragraphs 1.39 and 1.40

structures have developed since the Programme was launched, there is a critical need to further develop and improve these structures to ensure they are fit for purpose and are accessible to all stakeholders. We therefore repeat our view that incorporating the tackling of paramilitarism into the Programme for Government as a new dedicated outcome, to embed the Whole of Government approach, would provide a solid foundation on which these issues could be addressed<sup>51</sup>.

3.13 The following is our analysis of the progress that is being made to implement the Executive Action Plan. The lettering and numbering below relates to the lettering and numbering used in the Panel Report and in the Executive Action Plan, and the “commitment” set out for each Action is what the Executive said it would do when it published its Action Plan in July 2016.

#### **A1: The Executive should make promoting lawfulness a priority.**

**The Executive’s Commitment:** The draft Programme for Government Framework demonstrates through outcome 7<sup>52</sup> that promoting lawfulness is a key priority in the current mandate. *A Fresh Start* sets out the Executive’s commitments to upholding the rule of law, tackling paramilitarism, organised crime and criminality. These values and the commitment to disbanding paramilitary organisations and their structures are reflected in the new Ministerial Pledge of Office<sup>53</sup>.

#### **Lead Responsibility: The Executive**

**Summary of current position reported to the IRC by project leads:** The Executive’s commitments to upholding the rule of law and tackling paramilitarism, organised crime and criminality are reflected in the Ministerial Pledge of Office. These commitments also form the basis of an undertaking for each Member of the Legislative Assembly (MLA). A lawfulness framework has been developed.

**IRC Comment:** The Ministerial Pledge of Office and the undertaking by MLAs

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<sup>51</sup> See paragraphs 1.43 and 1.44

<sup>52</sup> Outcome 7 of the Programme for Government is that “we have a safe community where we respect the law, and each other”

<sup>53</sup> See sections 7 and 8 of the Northern Ireland (Stormont Agreement and Implementation Plan) Act 2016: <http://www.legislation.gov.uk/ukpga/2016/13/contents/enacted>

commits them to challenge paramilitary activity; to promote the rule of law; to call for, and to work to achieve the disbandment of all paramilitary organisations and their structures; and support those who want to transition away from paramilitarism. In the absence of Ministers, it is incumbent upon MLAs – and other elected representatives – to be proactive in these endeavours.

**Implementation Status:** Action underway.

**A2: The Executive should use all avenues available to it to increase public awareness of what people can do about criminality in Northern Ireland and promote active citizenship in building a culture of lawfulness.**

**The Executive's Commitment:** We welcome the emphasis that *A Fresh Start* (Section A) and the Panel Report have placed on the need to increase the public's understanding of criminality. The Department of Justice will launch a public awareness campaign before the end of 2016 on the issue of organised crime and its links to paramilitary activity which will promote active citizenship in building a culture of lawfulness. This will build on community views and understanding, and will provide more information for citizens and communities about the harm faced from organised crime. Alongside this, the Department of Education will consider commissioning the development of additional curriculum materials to support teachers and youth workers in delivering these aspects of the curriculum.

**Lead responsibility:** Department of Justice and Department of Education

**Summary of current position reported to the IRC by project leads:** A number of activities have taken place under this Action. The Council for the Curriculum, Examinations and Assessment (CCEA) is implementing two inter-related elements: the roll-out of eight Active Citizenship and Lawfulness online resources for use in post-primary schools (published in March 2019) and a programme (Active Citizenship using Drama) to promote and support the teaching of active citizenship as a way of tackling paramilitarism and promoting lawfulness. Following a trial of the Active Citizenship and Lawfulness online resources in late 2018, twenty three post-primary schools will use these resources in the 2019/20 academic year. The CCEA



programme on Active Citizenship using Drama (Film and Play) included the production of a short film – “A Stone’s Throw” - a play and accompanying teaching guidance. Work commenced on a second film in September 2019.

Phase one of the public awareness *Ending the Harm* campaign (branded “I Am Your Money”) was rolled out in two stages in 2016/17. Building on this, phase two of the campaign, which was launched in 2018, focussed on challenging the level of implicit acceptability of paramilitary style attacks.

**IRC Comment:** We have heard criticism of the term ‘lawfulness’ which some have interpreted as patronising. Given that ‘lawfulness’ is central to this Action clarity on the term may be useful in building support for the Programme.

About ten per cent of post-primary schools plan to use the CCEA curriculum materials. We note that use of these materials is not compulsory and welcome the efforts of CCEA to encourage more schools to use them. CCEA stated that initial feedback from teachers and pupils has been largely positive. The planned evaluation of these resources is welcome.

Research appears to show that The *Ending the Harm*<sup>54</sup> campaign has made progress in challenging a latent support in some communities for paramilitary style attacks. There may be merit in further strengthening links between the public awareness campaign and wider efforts to encourage active citizenship.

**Implementation Status:** Action underway. Follow up required.

**A3: The Executive should work with leading figures and organisations throughout all sectors of society to take a stand against criminality in Northern Ireland and promote responsible co-operation with authorities as part of a culture of lawfulness.**

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<sup>54</sup> Recent research provides a snapshot of attitudes towards paramilitary style attacks. The research shows that the number of people who believe such attacks are justified in certain circumstances decreased from 35% (2017) to 19% (2019); the number of people who believe paramilitary style attacks deliver “swift justice” dropped from 34% in 2017 to 15% in 2019 and the number of people who believe there is normally a good reason for a paramilitary style attacks dropped from 44% (2017) to 20% (2019).

**The Executive's Commitment:** We agree the need to take forward this recommendation to promote these messages throughout society, and to clearly speak to the issues of concern to communities and citizens. We plan to take forward a number of actions across the Executive to further ensure that all sectors of society are equipped to take a stand against criminality and encourage responsible co-operation with relevant authorities. The Department for Communities will bring forward proposals for engagement on this issue via community, voluntary, and sports forums.

**Lead responsibility:** Department for Communities and Attorney General's Office

**Summary of current position reported to the IRC by project leads:** A draft lawfulness framework, a key reference point for implementation of Action A3, and a set of guiding principles have been developed. The Department for Communities has been working with voluntary and community sector partners to deliver three lawfulness programmes. This year, 355 young people will participate in the NI National Citizen Service programme; Redeeming Our Communities (ROC) Action Groups have been formed in the Lower Shankill, Newtownards Road, St James and Lower Falls areas of Belfast following community events; Volunteer Now (in partnership with Sport NI and the Ulster University) delivered a programme on lawfulness through sport (the Small Steps programme) to young people from 16 schools in areas of deprivation/areas of high levels of paramilitary activity in Derry/Londonderry, Larne, Carrickfergus, Lurgan and Bangor. A requirement to promote lawfulness has been included as a funding requirement within the design of the Department for Communities' 2019/20 NI National Citizen Service programme.

The Attorney General continues to deliver the "It's Your Law" programme, which promotes lawfulness and active citizenship. Twenty six sessions have been delivered up to September 2019, and planning to deliver more is ongoing.

**IRC Comment:** Progress in delivering this Action continues to be slow and is not on the scale that was envisaged. We note that three lawfulness programmes continue to be delivered by ROC, the NI National Citizen Service Programme and Volunteer NI. Although these have been well-received in some communities we have heard

from others that the particular narrative of ‘lawfulness’ that is central to this Action stigmatizes their community.

No evidence has been presented to show what steps other NI Departments have taken to promote this Action, or indeed what efforts have been made to proactively engage “leading figures and organisations throughout all sectors of society” to deliver this recommendation.

**Implementation Status:** Action underway. Follow-up required.

**A4: As part of its “cross-departmental programme to prevent vulnerable young people being drawn into paramilitary activity”, the Executive should commission appropriate initiatives aimed at promoting lawfulness in schools and through youth work in communities.**

**The Executive’s Commitment:** The Department of Education will develop initiatives to ensure that those schools and youth groups dealing with the effects of paramilitary activity on young people are appropriately trained to identify risk factors and to adopt a whole school/group approach to help deal with those challenges. The Department of Education and The Executive Office will deliver Youth Intervention programmes specifically targeted at vulnerable young people, including those most at risk of becoming involved in, or affected by paramilitary activity, so that they can make a positive contribution to their communities.

**Lead responsibility:** Department of Education

**Summary of current position reported to the IRC by project leads:** There are two related activities being implemented under this commitment by the Education Authority’s Youth Service: a Capacity Building Programme for Teachers and Youth Workers, and a Youth Outreach Programme. Outreach workers have been placed in each of the eight B4 areas and one additional outreach worker has been placed in West Belfast as part of the Youth Outreach programme<sup>55</sup>. Approval has been granted for an additional four workers.

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<sup>55</sup> See Action B4

A number of young people highly vulnerable to paramilitary threat and coercion have regularly engaged in various programmes across the eight areas. Progress has been made in embedding the Start Programme (to steer teenagers away from trouble) into Education Authority and Youth Service plans. The Capacity Building Programme has delivered a number of initiatives to engage young people through a partnership approach between teachers and youth workers.

**IRC Comment:** We have seen at first hand an example of the good work of the outreach workers supporting vulnerable youth in Larne. We commend these efforts, and also those quick response initiatives that have diverted young people away from trouble in Derry/Londonderry during summer 2019.

**Implementation Status:** Action underway.

**A5: The Executive, the Policing Board and the PSNI should review the resourcing and operation of policing in communities to ensure that policing is visible and resourced to fully engage in those communities most vulnerable to criminal control.**

**The Executive's Commitment:** The Executive, the Policing Board and the Police Service of Northern Ireland will review the resourcing and operation of policing in communities to ensure that policing is visible and resourced to fully engage in those communities most vulnerable to criminal control.

Bespoke interventions and training designed to enhance confidence and trust between the police and communities will be developed.

**Lead responsibility:** Northern Ireland Policing Board and Police Service of Northern Ireland

**Summary of current position reported to the IRC by project leads:** This commitment contains two areas of work: (1) the review of resourcing and operation of policing in communities, being led by the NI Policing Board; and (2) the roll-out of

bespoke interventions and training designed to enhance confidence and trust between the police and communities which are still susceptible to paramilitary influence. This is being led by PSNI.

The NI Policing Board and PSNI launched a consultation in August 2018 to seek views on the future delivery of local policing. The consultation closed in November 2018. There were over 4,300 responses and 87 engagement events were held to gather broad and diverse views and opinions. The report has been shared with the PSNI and the Partnership Committee within the NI Policing Board and an action plan for delivery on findings is being developed.

The PSNI is continuing delivery of a Policing with the Community Project (PWC); the additional bespoke work being taken forward in response to Action A5 links to this wider PWC programme. The overall aim of the work to date (and going forward to 2021) is to address issues of visibility, engagement and problem-solving in those communities still susceptible to paramilitarism. The project is focussed on training; research into community issues; and local interventions to address the issues raised. The Tackling Paramilitarism Programme Team is working with PSNI to identify targeted local interventions as well as wider opportunities to further embed policing with the community across PSNI, and to explore the potential for better connection between commitments A5, A9, B4 and B13.

**IRC Comment:** We welcome the steps that have been taken and the projects that have been rolled out under this Action.

*Policing with the Community initiatives include:*

- *Targeted local interventions - this includes a scoping project on addressing the needs of youth at risk of paramilitary assault; additional operational activity focussed on licensing checks and patrolling of hotspots for drugs, anti-social behaviour and paramilitary style attacks; and additional engagement activity with local youth and community groups and with businesses on the issue of extortion.*
- *'Gauging Community Voice' research - The findings from this research have been made available to PSNI Senior Commanders and Officers, NI Policing Board Officials and the Policing and Community Safety Partnerships to help inform local policing and problem*

*solving action plans. The replication of the work in 2019/20 will inform progress from the baseline of community sentiment captured in 2017/18.*

- *Training - PSNI appointed the Open University in 2016/17 to prepare a training and development product on Collaborative Problem Solving for Community Safety. The training focusses on transformative skills for police officers, citizens and other partners in areas such as mediation, negotiation, facilitation, data interrogation and listening.*

We note that the review of resourcing and operation of policing in communities is now complete. The findings are due to be published in November 2019. In the past year we visited the PSNI in Derry/Londonderry and Carrickfergus and were impressed by the neighbourhood policing models used in both districts.

- *The Neighbourhood Policing Team (NPT) in Derry/Londonderry worked in partnership with other statutory agencies to resolve interface issues and anti-social behaviour in the neighbouring housing estates of Tullyally and Curryneirin in May 2019. Adopting a problem solving approach, the NPT officers engaged with the community and partners to offer short and long term solutions, including a proactive patrolling pattern, engaging with community representatives to devise diversionary projects and working with the Council to install a CCTV camera in the area. A messaging system was introduced to communicate to parents when an incident had occurred, encouraging them to check on their children and divert them from any anti-social behaviour. Anti-social behaviour reduced significantly as a result.*
- *The NPT in Carrickfergus introduced a number of initiatives aimed at improving community tensions in the Castlemara estate following a UDA feud which resulted in two murders and young people engaging in public disorder in the area. NPT officers visited every home in the area, became actively involved in the “Parents and Kids Together” project, and participated in inter-agency residents’ group forums in the Glenfield and Castlemara estates. This led to the re-opening of the community portacabin which is now the central community hub where monthly meetings take place to resolve, in partnership, issues affecting the community. The NPT have also engaged with schools and the Youth Justice Agency, building relationships with young people and helping to divert them from criminal activity. These initiatives enable the NPT to tackle paramilitary control in the area by offering solutions to community issues.*

We reiterate the view we expressed in our First Report in relation to the importance of neighbourhood policing, and welcome the Chief Constable's commitment to directing additional resources into that area of policing<sup>56</sup>. We recommend that the neighbourhood policing models currently piloted in some of the areas where paramilitaries operate such as Derry/Londonderry and Carrickfergus should be intensified in those areas as a policing priority.

**Implementation Status:** Action underway.

**A6: In setting the strategic objectives of Policing and Community Safety Partnerships, the Department of Justice and Policing Board should ensure that the partnerships focus on building community confidence in the rule of law and embedding a culture of lawfulness.**

**The Executive's Commitment:** In setting new strategic objectives for the Policing and Community Safety Partnerships, the Department of Justice and the Policing Board will implement this recommendation. The Department for Communities will ask local Government to ensure that, in aspects of local Community Plans that address community safety issues or where Policing and Community Safety Partnerships act as a delivery agency, Community Planning Partnerships also focus on building community confidence in the rule of law and embedding a culture of lawfulness.

**Lead Responsibility:** Department of Justice, Northern Ireland Policing Board and Department for Communities

**Summary of current position reported to the IRC by project leads:** A commitment promoting lawfulness has been incorporated into the strategic objectives of all Policing and Community Safety Partnerships and links have been made between the role of Partnerships and the Community Plans which are being rolled out across all District Council areas. Annual funding of £4.25m was secured in 2018/19 to support the delivery of the 11 Policing and Community Safety

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<sup>56</sup> See paragraph 1.34

Partnerships' action plans across NI. The plans link to the role of the Partnerships in embedding a culture of lawfulness and improving confidence in the rule of law, primarily in support of the existing Policing and Community Safety Partnership Strategic Priority 3: 'To Support Confidence in Policing'. Meetings are held twice a year with all Partnership Chairs and Vice Chairs during which the importance of linking work that has a bearing on challenging paramilitarism and organised criminality is emphasised.

**IRC Comment:** Policing and Community Safety Partnerships (PCSPs) have a key role in helping to build community confidence in the rule of law and embedding a culture of lawfulness by supporting effective engagement with the police and the local community. We welcome the inclusion of this as a strategic objective for the PCSPs<sup>57</sup> and the initiatives which have been developed in response.

- *Ards and North Down PCSP supported delivery of the "Think Before You Buy" campaign to raise awareness that people who engage in casual drug use also contribute to the fear and intimidation inflicted on people, particularly drug debt intimidation.*
- *The PCSP in Derry City and Strabane District has adopted a policy of issuing a statement from the Chair of the Partnership condemning paramilitary style attacks when they occur in the District. The statements reflect civil society opposition to such attacks and call on the public to provide information to the PSNI or Crimestoppers to help tackle them.*
- *Delivery of 44 performances of "Banjaxed" to over 4,200 young people. The play highlights a range of issues, including the risks which may be encountered through contact with armed and organised crime groups.*
- *Production of the short film entitled "Recruited" by Derry City and Strabane District PCSP. The film was shown to students and teachers in the area, and in Armagh, Banbridge and Craigavon PCSP area.*
- *Delivery of projects in relation to anti-social behaviour, youth diversionary work, and drugs and alcohol across all PCSPs. These include awareness raising campaigns such as "Drug dealers don't care" and "Crimestoppers".*
- *Briefing events for local Council members, community and voluntary sector representatives and PCSP members to disseminate the "lawfulness" message and generate ideas for initiatives to help embed the concept into Community Planning.*

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<sup>57</sup> <https://www.pcsp.org/strategic-objectives-what-pcsp-are-expected-to-do>



A recent review of the PCSPs by the Criminal Justice Inspection Northern Ireland found that members were unsure of their role and what 'lawfulness' actually meant in the context of their community engagement role<sup>58</sup>. It is important that these roles and meanings are clarified so that all members of the PCSPs can fulfil the role expected of them. We therefore welcome that training and development have now been delivered and that early indications, in the Criminal Justice Inspector's opinion, are that the members have a greater understanding of the direction of travel.

**Implementation Status:** Action underway. Follow up required.

**A7: The designated organisations should also ensure that their representatives are sufficiently senior and committed to building effective partnerships.**

**The Executive's Commitment:** The designated organisations will ensure their representation at Policing and Community Safety Partnerships is of a sufficiently senior level to facilitate effective partnerships.

**Lead Responsibility:** Department of Justice and Policing and Community Safety Partnerships

**Summary of current position reported to the IRC by project leads:** The Joint Committee<sup>59</sup> meets SOLACE<sup>60</sup> and senior executives from each of the designated organisations twice a year to share information on thematic work undertaken by PCSPs, highlighting best practice and identifying opportunities for greater collaborative working. The Joint Committee is content that representation on PCSPs by designated organisation representatives is sufficiently senior to ensure effective partnerships.

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<sup>58</sup> <http://www.cjini.org/getattachment/010eb06d-a1b7-46b9-85cd-50af58cb6f98/Policing-and-Community-Safety-Partnerships.aspx>

<sup>59</sup> The Joint Committee comprises representatives of the NI Policing Board and the Department of Justice and oversees the work of PCSPs

<sup>60</sup> Society of Local Authority Chief Executives

**IRC Comment:** The Programme Team previously advised us that a letter was issued to all PCSPs in June 2016 to promote this Action. We are not aware that any further action has been taken since then, but note that the Joint Committee is content with the current representation by designated organisations.

We also note that following his review of the PCSPs, the Criminal Justice Inspector Northern Ireland made two recommendations in relation to the designated organisations which will help to ensure a focus on the importance of the continuing role of designated organisation members<sup>61</sup>. We hope that these are adopted and implemented without delay to boost the impact of collaborative working across key agencies.

**Implementation Status:** Action underway. Follow up required.

**A8: The Executive and the Police Service of Northern Ireland, in conjunction with the Northern Ireland Policing Board, should review their protocols for engaging with representatives of paramilitary groups. This change in approach should also apply to other public community bodies and public representatives.**

**The Executive's Commitment:** The Executive will propose to the Chief Constable and the Chair of the Policing Board that we commission an agreed independent expert – of suitable expertise and standing – to review current practice and legal requirements, as well as lessons from other contexts, and provide them with draft protocols for consideration.

**Lead responsibility:** The Executive, Northern Ireland Policing Board and Police Service of Northern Ireland

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<sup>61</sup> See footnote 58 for link to the Criminal Justice Inspection Report: Strategic Recommendation 5: “The Designated Organisations of the PCSPs should increase recognition of the role of PCSPS and delivery of shared positive outcomes in their corporate planning”, and Operational recommendation 2: “The representatives of the Designated Organisations attending the PCSPs should have direction from their organisation and internal lines of reporting within their organisation to report an achievement through the PCSP”

**Summary of current position reported to the IRC by project leads:** This recommendation would benefit from Executive consideration.

**IRC Comment:** This recommendation has proved difficult to advance in the continued absence of an Executive. We accept the complex nature of the recommendation, but progress is needed.

**Implementation Status:** Action planned. Follow up required.

**A9: Put in place a dedicated fund for restorative justice initiatives to provide enhanced levels of resource over longer periods of time to deliver positive outcomes for individuals and communities. This should include resourcing the proposals for a centre of restorative excellence.**

**The Executive's Commitment:** The Executive will put in place a dedicated fund for restorative justice initiatives to provide enhanced levels of resource over longer periods of time to deliver positive outcomes for individuals and communities. The Department of Justice will carry out a feasibility study to identify best options for a new centre of restorative excellence.

**Lead responsibility:** Department of Justice and The Executive Office

**Summary of current position reported to the IRC by project leads:** In 2017 the Department of Justice commissioned a feasibility study to seek to identify the best options in establishing a Centre of Restorative Excellence, and established a working group to assist with the further development of proposals on this issue, including on the location and staffing structure. Proposals on restorative practice are being developed under Action B4.

**IRC Comment:** We welcome the preparatory work that has taken place although progress remains slow and we are not aware that timeframes have been set for the delivery of this work. There has been a lack of progress in putting the dedicated fund for restorative justice initiatives in place and while levels of core funding have been maintained through the Executive Action Plan, this falls short of the “enhanced levels of resource” that this Action requires.

**Implementation Status:** Action underway. Follow up required.

**A10: The Department of Justice should bring forward draft legislation to further reform committal proceedings to remove the need for oral evidence before trial.**

**The Executive's Commitment:** Committal proceedings will be further reformed. The Department of Justice will bring forward draft legislation in relation to this recommendation.

**Lead Responsibility:** Department of Justice

**Summary of current position reported to the IRC by project leads:** A Bill has been drafted, which it is expected could be introduced within a short period of time, should an opportunity arise. Plans are developed to implement the provisions contained in the draft Bill in tandem with the provisions contained in the Justice Act (Northern Ireland) 2015 which will allow for certain cases to be tried on indictment to bypass traditional committal proceedings and be directly committed to the Crown Court. Development work is almost complete on the basis of the draft Bill.

A letter was issued on behalf of the Criminal Justice Board to the then Secretary of State, Karen Bradley, in December 2018 which sought assistance with the passage of the legislation. The Secretary of State's response in February 2019 indicated that, with the ongoing constraints on parliamentary time as a result of the EU exit, it was not possible to secure a slot in the Westminster legislative programme at this stage to progress the draft Bill.

**IRC Comment:** We welcome the work carried out to date by the Department of Justice on the draft Committal Reform Bill and acknowledge that it cannot be completed in the absence of a functioning legislative Assembly. In our engagement to date with individuals and organisations involved in the criminal justice system, the abolition of committal proceedings is regarded as key to increasing the pace at which the justice system works in Northern Ireland. In Section A we have called for

committal proceedings to be abolished and we encourage the Secretary of State to give this matter the priority it deserves.

**Implementation Status:** Action underway. Follow up required.

**A11: The Department of Justice should also use the measures already available to it to abolish committal proceedings in respect of those offences most frequently linked to paramilitary groups, including terrorist offences and offences which tend to be committed by organised crime groups.**

**The Executive's Commitment:** Committal proceedings in respect of those offences most frequently linked to paramilitary groups will be abolished. The Department of Justice will work closely with justice organisations to identify suitable offences to be added to the list of offences which can be directly transferred to the Crown Court.

**Lead Responsibility:** Department of Justice

**Summary of current position reported to the IRC by project leads:** As highlighted in relation to Action A10, due to the absence of a legislature, the planned April 2019 Committal Reform implementation date has been postponed. The Department and its criminal justice partners are currently considering a revised timetable for roll out and the offences to be included at each stage.

There is a significant amount of IT development work planned across the criminal justice system over the coming months which will impact on a revised go-live date for the roll out of those additional offences which, on the introduction of the legislation, will be directly committed to the Crown Court. Testing of the systems to facilitate the new committal processes and the training of operational staff has been deferred until a revised go-live date has been agreed.

In the meantime criminal justice organisations will work towards sequencing all necessary supporting arrangements to ensure readiness. The Committal Project Group continues to meet to maintain a focus and monitor developments.

**IRC Comment:** As noted in our comment on Action A10, the Committal Reform Bill cannot be introduced in the absence of a functioning Assembly. As a result, offences most frequently linked to paramilitary groups, including terrorist offences and offences which tend to be committed by organised crime groups, remain subject to the committal process. Consequently, there is little scope for improvements in the timely disposal of these cases until committal reform is instigated.

In the interim, we urge that all necessary groundwork is carried out in preparation for the accelerated timeframes which committal reform will bring when implemented. We met with the Director of Public Prosecutions and fully endorse the strategic and collaborative approach to the preparation work which he is advocating. This involves the alignment of five key strands of work required to support and compliment committal reform: the Working Together/Indictable Case Project<sup>62</sup>, active case management, digital transformation, improvement in the disclosure regime and revised arrangements for defence engagement. We therefore call on the Department and its criminal justice partners to continue to work collaboratively to ensure successful delivery of the preparatory work.

**Implementation Status:** Action underway. Follow up required.

**A12: The Department of Justice, the Courts Service and the Public Prosecution Service should implement the case management improvements piloted in the Ards area throughout Northern Ireland, particularly in respect of those offences linked to terrorism or serious organised crime groups.**

**The Executive's Commitment:** The Department of Justice and criminal justice partners will assess how best to implement the case management improvements in the Ards Indictable Cases Pilot (ICP) and will also explore other offence types which may be suitable for ICP type processing.

**Lead Responsibility:** Department of Justice

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<sup>62</sup> See Action A12

**Summary of current position reported to the IRC by project leads:** The ICP was initially rolled out in a single phased implementation on 2 May 2017 for four particular offence types: certain assault cases; serious drugs cases; attempted murder cases; and conveying certain items into or out of prison. At present, the Indictable Cases Pilot is governed by the Working Together Programme Board, jointly chaired by PSNI and Public Prosecution Service NI.

The Department of Justice has commissioned an independent interim evaluation of the indictable cases processes. This is currently underway and findings will be available by early 2020. Recommendations from this report will be used to make decisions regarding the future roll out of the ICP principles. In addition, in spring 2019 the Department delivered awareness raising sessions to practitioners at a number of court venues throughout Northern Ireland.

**IRC Comment:** The Lord Chief Justice and the Director of Public Prosecutions have confirmed to us that they continue to endorse the principles enshrined in the ICP. The Lord Chief Justice indicated however, that whilst the pilot was a success, he was disappointed with the roll out of its wider implementation. The Lord Chief Justice takes the view that a more collaborative approach between those involved in the delivery of the system is required if the substantive roll out of the ICP is to have maximum effect.

We call on the Department of Justice and other criminal justice partners to take cognisance of the views of the Lord Chief Justice and implement improvements to the system to ensure a more collaborative approach is embedded.

**Implementation Status:** Action underway. Follow up required.

**A13: Law enforcement agencies and others involved in the process of bringing prosecution cases to court should ensure that they have appropriate systems and procedures in place to enable cases to progress as expeditiously as possible.**

**The Executive's Commitment:** The Police Service of Northern Ireland is seeking to appoint an experienced Detective Superintendent to work with partners in developing more effective criminal justice processes to manage prosecutions in respect to paramilitary activity and organised criminality.

The overall strategy for speeding up justice includes all of the measures described in the preceding recommendations, as well as other measures contained in the Justice Act (Northern Ireland) 2015 including measures concerning Early Guilty Pleas, the reform of the Summons process, and the introduction of Statutory Case Management<sup>63</sup>.

**Lead Responsibility:** Police Service of Northern Ireland and Department of Justice

**Summary of current position reported to the IRC by project leads:** The first phase of the project's work has focussed on undertaking research to establish the facts on bail, sentencing and disclosure in order to lay the groundwork for actions to be taken to improve outcomes in those areas.

An experienced Detective Superintendent has been in place since 2016 as part of the Better Criminal Justice Outcomes team to ensure that PSNI has a representative for the expected lifetime of the project. The day-to-day representation is now at Detective Inspector level.

The ICP has been rolled out and efforts are continuing across the Public Prosecution Service NI and PSNI to further promote and raise awareness. The number of concluded ICP cases continues to increase.

One of the key principles of the ICP is Proportionate Forensic Reporting. This allows police and forensic scientists to provide shorter more meaningful reports to prosecutors in relation to forensic evidence, across a range of forensic science disciplines such as analysis of drugs or fingerprints, to support evidential needs in certain criminal cases. Most recently, the concept has been rolled out by PSNI to

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<sup>63</sup> <http://www.legislation.gov.uk/nia/2015/9/contents>



cases involving cybercrime in relation to the analysis of digital evidence such as mobile phones and computers. In cases where Proportionate Forensic Reporting is suitable, results to date have been positive.

In relation to statutory case management, in the period since the Department of Justice took the decision to make regulations, there have been a number of speeding up justice related developments which have the potential to hugely impact on the content of any regulations, for example the ICP, Committal Reform, Crown Court Cases Performance Groups and Sir John Gillen's review into the handling of serious sexual offence cases. The Department is of the view that these developments need to be taken into consideration. In addition, whilst statutory case management regulations could theoretically be made in the absence of an Assembly, public interest test considerations under the Northern Ireland (Executive Formation and Exercise of Functions) Act 2019 may be engaged<sup>64</sup>. If engaged, the decision to bring forward Regulations will be a matter for a future Justice Minister. In the interim the Department is continuing to work with criminal justice partners on a number of initiatives aimed at tackling avoidable delay, and where appropriate seek to embed improvements into business as usual. This will help to inform the Department's future direction in relation to statutory case management.

**IRC Comment:** In the absence of case management in criminal cases being put on a statutory footing, we welcome the Lord Chief Justice's plans to introduce a revised Crown Court Practice Direction to help improve the effectiveness of the criminal justice system by setting out clear case management procedures and processes including to support those who are vulnerable to give their best evidence. We urge the Department to monitor the impact of the Practice Direction on the efficient and effective disposal of criminal cases and to keep the need for Statutory Case Management Regulations under regular review.

**Implementation Status:** Action underway. Follow up required.

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<sup>64</sup> <http://www.legislation.gov.uk/ukpga/2019/22/enacted>

**A14: The Department of Justice, working with the judiciary and with counterparts in the UK and Irish Governments, should review the position regarding bail in respect of serious offences to determine the facts about its availability and, if required, bring forward measures to improve the situation.**

**The Executive's Commitment:** The Department of Justice will lead work, drawing on assistance from colleagues in UK and Ireland, initially to establish facts about bail decisions. Should that review and the analysis of its findings demonstrate any gaps in the law, phase two of this work will consider whether further measures are needed.

**Lead Responsibility:** Department of Justice

**Summary of current position reported to the IRC by project leads:** The Department of Justice has held a workshop with operational partners to look at general concerns about bail decisions and the reasons for these. The fundamental conclusion was that bail is sometimes granted in serious cases, including those connected with terrorism and serious and organised crime, due to the length of time the suspect has spent on remand. European Court of Human Rights (ECHR) jurisprudence on Article 5 ECHR and pre-trial detention states that courts should release defendants on bail if they have been detained for around two years without trial. The jurisprudence also states that the gravity of the offence in itself cannot justify prolonged detention. The courts must therefore take this into consideration in taking bail decisions when the defendant has been detained for at least two years and trial is not imminent.

Delay within the justice system is recognised to be a significant contributing factor to the availability of bail, therefore Action A14 needs to be addressed primarily in the context of wider measures to speed up the criminal justice system. The workshop agreed that the primary task was, therefore, to improve the speed of the justice system. Updates are provided on those Actions elsewhere in this Report. The workshop had sight of high level statistics on bail in terrorist related cases which are now in the process of being updated.

Within PSNI, work is underway to develop a more consistent approach to managing persons on bail. This will see a combination of automated processes and risk management developments. The Department of Justice is also exploring with the Lord Chief Justice the possibility of a practice direction on bail applications and providing PSNI with sufficient time to respond.

**IRC Comment:** We are disappointed at the lack of progress. We acknowledge that other steps to speed up justice, including the abolition of committal proceedings, will have a significant impact on the granting of bail but we urge the Department of Justice to use the information gained from the workshop, which was held in February 2017, and subsequent bilateral meetings with criminal justice partners to ensure that all relevant bail related issues are being fully considered and progressed.

**Implementation Status:** Action underway. Follow up required.

**A15: The Department of Justice should ensure that an appropriate mechanism is in place to enable the Director of Public Prosecutions to refer sentences he believes to be unduly lenient, particularly to include offences linked to terrorism and organised crime groups.**

**The Executive's Commitment:** The Department of Justice will consider this recommendation within the scope of the recently announced Sentencing Policy Review. The Department will prioritise this element of the Review and seek to bring proposals for consultation as soon as possible, including the possibility, in the shorter term, of adding further "linked" offences to the statutory list by secondary legislation.

**Lead Responsibility:** Department of Justice and the Lord Chief Justice

**Summary of current position reported to the IRC by project leads:** The public consultation on the proposal to add a comprehensive list of hybrid offences linked to terrorism, paramilitary activity and organised crime to the statutory list of offences that can be referred by the Director of Public Prosecutions on the grounds of undue leniency closed on 2 October 2018. Five responses were received, four of which were substantive. Of these, three were in favour of the inclusion of all identified offences.

A Statutory Order was laid in the Assembly on 9 July 2019, coming into effect on 1 August 2019<sup>65</sup>. The Order brings hybrid offences linked to terrorism, paramilitary activity and organised crime groups within the scope of the unduly lenient sentence provisions.

**IRC Comment:** We welcome the introduction of the new legislation extending the list of offences that are within the scope of the unduly lenient sentence provisions.

**Implementation Status:** Action complete.

**A16: The Judiciary may also wish to review the use of sentences and other punitive measures, including confiscation powers, to establish whether they are deployed to best effect in respect of terrorism and organised crime offences, including environmental crime.**

**The Executive's Commitment:** Taking into account the Department of Justice's review of sentencing policy, the Lord Chief Justice's Sentencing Group will consider the guidance available to the judiciary in respect of relevant offences.

The Department of Justice will work with justice organisations to develop proposals on other sentencing measures, such as confiscation orders.

**Lead Responsibility:** Department of Justice and the Lord Chief Justice

**Summary of current position reported to the IRC by project leads:** The Lord Chief Justice's Sentencing Group considered a paper on the issue of guidance available to the judiciary in March 2017 which, although it concluded that existing guidance is sufficient, it raised policy issues for consideration by the Department of Justice.

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<sup>65</sup> <http://www.legislation.gov.uk/nisr/2019/131/made>

The Department of Justice's review of sentencing policy agreed to explore the issue of media reporting raised by the Sentencing Group in the context of securing public confidence in sentencing. Significant research and information gathering has been completed on the main strands of the review, and an expert reference group has been established comprising academics, victims groups and other stakeholders to inform and critically challenge the related development work. The Department of Justice will issue a public consultation document on proposals in early October 2019.

Work under Action C2 to develop specific organised crime legislation has also considered, with law enforcement partners, how other sentencing measures, such as Serious Crime Prevention Orders, might be used, as appropriate, to reduce the risk of harm posed by organised criminals.

The Department of Justice continues to engage with the Home Office on a wide programme of economic crime reform and engages with the Economic Crime Strategy and Delivery Boards at senior level. The Department has also worked with the NCA's Proceeds of Crime Centre to highlight and promote training for law enforcement on the application of criminal finance powers to partners in Northern Ireland.

In addition, the Department of Justice remains keen to take forward the full implementation of the Criminal Finances Act 2017 in Northern Ireland which will enhance powers in Northern Ireland to tackle terrorist and organised crime groups, including through the availability of wider civil recovery powers, such as Unexplained Wealth Orders. Work to prepare for commencement continues and will be escalated if there is a possibility of legislative commencement.

A review of the Asset Recovery Incentivisation Scheme (ARIS) has also been initiated to explore the possibility of securing the full value of civil recovery receipts to be directed for distribution for appropriate purposes in Northern Ireland. Currently 50% is returned to the UK ARIS pot; 25% is returned to the enforcement agency (NCA); and 25% to the referring agency (e.g. PSNI). Further work is needed to scope legal gateways or gaps/barriers and potential administration arrangements.

**IRC Comment:** Progress on the Department of Justice’s review of sentencing policy has been slow and we call for the public consultation to take place as soon as possible.

In Section A of our Report we comment on the need for Unexplained Wealth Orders and for the additional powers under the Criminal Finances Act 2017 to be extended to Northern Ireland as soon as possible to boost the law enforcement response to criminality. Progress to date has not been possible due to lack of a functioning legislative Assembly.

In the absence of new powers, it is important that law enforcement agencies fully use all available statutory tools at their disposal. We are concerned that, despite our comments in this regard in our First Report, only two Serious Crime Prevention Orders have been obtained in the last two years<sup>66</sup> and only three civil recovery orders have been obtained by the PCTF<sup>67</sup>. In order to tackle paramilitary activity robustly, we repeat our call for law enforcement to utilise fully all available statutory powers.

In relation to the review of the ARIS scheme, we note the Department of Justice’s ongoing engagement with the Home Office in relation to the operation of the scheme. We will monitor developments closely.

**Implementation Status:** Action underway. Follow up required.

**B1: The Executive should urgently adopt recommendations by the Review Panel that (a) the Fair Employment and Treatment Order 1998 should be amended; (b) the employers’ guidance should be implemented in respect of public sector recruitment and vetting; and (c) that there should be greater transparency over all these issues. Oversight of the implementation of these specific measures should be included within the remit of the Independent Reporting Commission.**

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<sup>66</sup> Source: PPSNI

<sup>67</sup> Source: PCTF

**The Executive's Commitment:** The Executive will urgently adopt recommendations by the Review Panel that (a) the Fair Employment and Treatment Order 1998 should be amended; (b) the employers' guidance should be implemented in respect of public sector recruitment and vetting; and (c) that there should be greater transparency over all these issues.

**Lead responsibility:** The Executive Office and Department of Finance

**Summary of current position reported to the IRC by project leads:** There has been engagement between the Executive Office and the Department for Communities on how to assist ex-prisoners with conflict-related convictions to get back into employment.

The Executive Office has drafted policy instructions to amend the Fair Employment and Treatment Order 1998, and work is underway to ensure that legislation can be progressed once Ministers are in post. A sub-group of the overall Working Group has met on three occasions to discuss and follow up any identified issues on barriers to employment. The NI Civil Service has implemented the Employers' Guidance and all policies have been amended to adopt the change. Work is ongoing to promote the guidance to the wider public sector; the Head of the Civil Service has written to Chief Executives of each of the 11 Councils and to all Permanent Secretaries, highlighting the guidance and asking them to inform their arms-lengths bodies and non-departmental public bodies of the changes and to promote their adoption.

A website providing information and support can be accessed at: [www.reviewpanel.org](http://www.reviewpanel.org). The Review Panel held outreach events in Crumlin Road Gaol Conference Centre in November 2018, and in Derry/Londonderry in March 2019.

**IRC Comment:** We note that policy instructions have been drafted to amend the Fair Employment and Treatment Order, that employers' guidance has been implemented by the Northern Ireland Civil Service, and that work is ongoing to promote this to wider public sector bodies. We welcome the outreach efforts of the Review Panel to provide information for ex-prisoners and prospective employers.

**Implementation Status:** Action underway.

**B2: The Review Panel's work should continue to consider what steps can be taken to improve access to financial services (including lending and insurance), adoption, and travel advice.**

**The Executive's Commitment:** The Executive will engage with the Review Panel (appointed by the Ex-Prisoner Working Group) to address the issues identified relating to access to financial services (including lending and insurance), adoption and travel.

**Lead responsibility:** The Executive Office

**Summary of current position reported to the IRC by project leads:** Progress has been made on increasing access to insurance for those with conflict-related convictions. An updated list of insurers has been prepared. The Department of Health is bringing forward proposals in relation to new adoption legislation. The Executive Office has engaged with the US Consulate, the Department for Foreign Affairs and Trade and the NI Bureau in Washington to discuss the way forward on issues relating to travel to the United States. The Review Panel meets regularly and continues to take forward work on individual cases in relation to barriers faced.

**IRC Comment:** We note that although proposals in relation to new adoption legislation have been prepared it has not been possible to progress this in the absence of a functioning Assembly. We welcome the progress which has been made on increasing access to insurance for those with conflict-related convictions, and the engagement which has taken place between the UK, Ireland and US on travel-related matters.

**Implementation Status:** Action underway.

**B3: The Executive should make representations to the US Secretary of State to seek an expedited procedure for visa applications from ex-prisoners affiliated with groups on ceasefire.**



**The Executive's Commitment:** The Executive will make representations to the US Secretary of State to seek an expedited procedure for visa applications from ex-prisoners affiliated with groups on ceasefire.

**Lead responsibility:** The Executive Office

**Summary of current position reported to the IRC by project leads:** The Executive Office have met with the US Consulate in Northern Ireland and engaged with the Northern Ireland Bureau in Washington. Officials will continue to liaise with the US Consulate, the Department of Foreign Affairs and Trade and the NI Bureau colleagues on this matter. In parallel, the Review Panel seeks to assist on a case by case basis, where appropriate.

**IRC Comment:** We welcome the ongoing and recent engagement on this issue between the UK, Ireland and US.

**Status:** Action underway.

**B4: The Executive should establish a fund to support ambitious initiatives aimed at building capacity in communities in transition, including through developing partnerships across civil society and across community divisions.**

**The Executive's Commitment:** The Executive will establish a fund to support ambitious initiatives aimed at building capacity in communities in transition, including through developing partnerships across civil society and across community divisions. The Executive Office and the Department for Communities will take forward this recommendation on behalf of the Executive. This will be designed in collaboration with stakeholders with relevant experience and expertise, such as the Northern Ireland Housing Executive, the Community Relations Council, the International Fund for Ireland, local Government, and community representatives.

**Lead responsibility:** The Executive Office. The Department for Communities and the NI Housing Executive also have responsibility for taking forward related strands of work.

**Summary of current position reported to the IRC by project leads:** This Action is being taken forward via the Executive Office's Communities in Transition project

and is focussed on eight areas where communities have been identified as being vulnerable to paramilitary activity and control<sup>68</sup>. Funding of up to £12 million was earmarked by the Programme Board to implement this Action. The aim is to support ambitious initiatives that will build the capacity of individuals and groups to effect positive change for themselves and their communities. To support delivery of this Action the Executive Office procured a strategic partner, a consortium led by Co-operation Ireland. In April 2019 the Programme Board approved £8.5 million for this project. Forty eight proposed projects are included in timetabled delivery plans for the eight areas. A “Behaviours Framework” has been developed to ensure that those who implement the projects support the values of the programme. The first longer-term project was tendered in September 2019 with delivery planned for December 2019. A range of ten preparatory intermediary actions (including community and youth engagement activities) started in January 2019, two of which have been completed.

The commitment to extend the NI Housing Executive Re-Imaging Programme also sits within the scope of this Action. This Programme is centred on the Housing Executive’s ongoing commitment to tackling paramilitary activity, criminality and organised crime within Housing Executive estates. Additional investment from the Programme Board has enabled the reimaging of 20 paramilitary murals.

**IRC Comment:** We are seriously concerned that this Action has yet to deliver what was envisaged in the Panel Report and note that the decision to focus on eight areas was not anticipated in the Report. While we appreciate the challenges involved in delivering this Action, including in the absence of ministerial direction, we are disappointed with the delays. Progress has been slow and there is a concern that this may have damaged community confidence in the wider Tackling Paramilitarism Programme. Although funding has been provided to carry out intermediary steps under this Action and community projects have proceeded through other Actions of the Programme, expectations of what was meant to be delivered in these B4

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<sup>68</sup> New Lodge and Greater Ardoyne; Lower Falls, Twinbrook, Poleglass, Upper Springfield, Turf Lodge and Ballymurphy; Shankill, upper and lower, including Woodvale; Brandywell and Creggan; Larne area, including Antiville and Kilwaughter and the Carrickfergus area, including Northland and Castlemara; parts of the Mount and Ballymacarrett in East Belfast; Drumgask (Craigavon) and Kilwilkie (Lurgan); and parts of North Down including Clondeboye and Conlig, including Kilcooley.

disadvantaged areas have not to date been met. Delays in approving projects and releasing funds have exacerbated the frustration among some community groups in these areas. For the credibility of this Action, and of the wider Programme, it is essential that Action B4 is implemented as soon as possible and we look forward to learning more about how this proceeds. We urge the Head of the Northern Ireland Civil Service, as Chair of the Programme Board, to ensure a stocktake of this Action and to prioritise this in the year ahead.

While we recognise that public money must not reach the hands of those involved in any form of criminality it is important that creative and ambitious initiatives can be funded to ensure that marginalised communities do not suffer as a consequence.

**Implementation Status:** Action underway. Follow up required.

**B5: The Executive's programme for women in community development should be designed not only to enable women's organisations to continue to carry out transformative community development work in our communities but also to ensure that women are equipped to take on more leadership roles in public decision-making.**

**The Executive's Commitment:** The Department for Communities will organise a series of co-design workshops to determine the shape and content of the programme. These will include The Executive Office and Department of Justice participation and other Executive Departments where appropriate, alongside experts in the community and women's organisations who will be taking forward the delivery of the programme.

**Lead responsibility:** Department for Communities and Probation Board for Northern Ireland

**Summary of current position reported to the IRC by project leads:** A two-year Women Involved in Community Transformation (WICT) programme has been delivered by a consortium of partners since October 2017. Phase one of the programme involved 539 women and was delivered in 26 areas, including the eight

areas identified by the Programme Board for focussed interventions under Action B4. Phase two is now complete, with 439 women having taken part. The programme has now been extended and recruitment and selection is ongoing for phases three and four. An Engage Project is also being delivered under this Action. It focusses on women currently within the justice system.

**IRC Comment:** We met with participants and delivery partners of the WICT project and commend the important work being carried out under this Action. Participants have told us that the project has equipped them to take leadership roles in their communities and has enabled them to take forward a number of important initiatives. The work carried out under this Action is delivering tangible benefits for participants and their communities.

*We heard about the positive effect the WICT programme has had on participants. One, who had retreated from her community following a paramilitary style attack on her husband, joined the programme after attending an information event. Before joining the programme she felt isolated from her community, and felt a sense of powerlessness as she did not feel able to confront the people who attacked her husband. Having been supported throughout the programme, she has begun to share her experiences with other women and is playing a positive role within the group. She is committed to completing further modules which should enable her to play a more active role in her community.*

We welcome the comprehensive evaluation of the WICT project.

We note the ongoing work being carried out under the Engage Project to prepare women in the justice system for resettlement in their communities, and the holistic approach it takes to addressing their needs. It is important that the role of women within local communities continues to be supported in the longer term.

**Implementation Status:** Action underway.

**B6: The Executive, in implementing rigorous enforcement of funding rules, should ensure that funding will be available for supporting creative and ambitious initiatives.**

**The Executive's Commitment:** The Executive is providing additional funding to support the delivery of this Action Plan and is committed to working with local communities, as well as relevant criminal justice and statutory agencies, in developing creative and ambitious initiatives that will support communities in transition. Executive Departments and other bodies allocating funds made available by the Executive will continue to rigorously enforce funding rules (Managing Public Money, the Guide on Grant and Procurement and the Government Funders Database) in a proportionate manner, commensurate with risk. The Department for Communities is also giving consideration to what further work can be done in this area.

**Lead responsibility:** Department for Communities

**Summary of current position reported to the IRC by project leads:** The Department for Communities continues to seek feedback on funding and related governance issues that are of concern to the voluntary and community sector. The Department for Communities' Guide on Grant and Procurement is reviewed as required. The Department now has access to the records of sub-delivery agents, which helps prevent/investigate fraud. The Department for Communities responds regularly to queries about the Government Funders Database.

**IRC Comment:** It is important that funding be made available to support creative and ambitious initiatives. Ongoing dialogue is necessary with the voluntary and community sector toward this end.

**Implementation Status:** Action underway.

**B7: A dedicated unit should be established to carry out a programme of work, including research, to enable Government to better understand relevant issues in communities and the options for influencing change; to ensure that all Executive Departments are fully engaged in the strategy; to develop further targeted interventions; and to ensure that wider Government policy and messaging contribute to delivering positive outcomes in respect of**

**paramilitaries and communities in transition. For that reason, this unit should not sit within any one Department but instead report to the Executive.**

**The Executive's Commitment:** The Executive will establish a dedicated unit to ensure a joined up approach to delivering this programme. The Department of Justice will lead this, working in partnership with other Executive Departments, statutory bodies and community and voluntary sector organisations where appropriate.

**Lead responsibility:** The Tackling Paramilitarism Programme Team

**Summary of current position reported to the IRC by project leads:** A dedicated Tackling Paramilitarism Programme Team was established in 2016 which leads co-ordination and implementation of the Executive Action Plan. Its establishment also contributes to Action D4, which called for "...strong programme management arrangements for developing and delivering the strategy".

A Political Advisory Group has been set up to facilitate engagement with political parties, and work has been taken forward, following the IRC's First Report, to explore how best to develop this group's advisory capacity.

The Programme sub-groups (Communities, Transition and Learning; Lawfulness and Communications) provide opportunities for valuable engagement, connection of action and learning.

**IRC Comment:** The Programme Team has put measures in place to encourage a joined-up approach and is working to ensure that all Executive Departments are fully engaged in delivering the Programme.

In our First Report, we noted that the make-up of the Programme Board must be fully reflective of the breadth of the Executive Action Plan and recommended a greater role for local Councils. There is merit, therefore, in inviting representatives of local Councils to join the Programme Board. We welcome the intention of the Programme Board to do so.

The Programme Team monitors the progress of individual Actions across the Programme. Further development of current monitoring and evaluation arrangements is needed, however, to fully measure impacts and outcomes. This was also recognised by the Gateway Review team in its latest report<sup>69</sup>. Carrying out an overall evaluation of the Tackling Paramilitarism Programme may also be useful in flagging issues to the Programme Board and could provide the basis for assessing what progress is being made, developing further targeted interventions, and ensuring delivery.

**Implementation Status:** Action underway. Follow up required.

**B8: The Department of Justice should revisit the framework related to the separated regime and arrange for an independent review to be undertaken examining the operation of the separated regime, evidencing the need for any changes and providing useful information for stakeholders to take forward.**

**The Executive's Commitment:** The Northern Ireland Prison Service remains committed to finding ways to address the challenging issues associated with the operation of the separated regime. The Department of Justice will engage with stakeholders, develop terms of reference, and identify individuals to lead an independent review. The review will deliver a report and make recommendations required in respect of the framework for separation.

**Lead Responsibility:** Northern Ireland Prison Service (NIPS)

**Summary of current position reported to the IRC by project leads:** Commencement of the review will require ministerial consideration and approval. Some preparatory work has been done, including preparing draft Terms of Reference and an estimate of the potential funding required to remunerate those taking forward the review. This has been submitted to the Programme Board. In the meantime, NIPS continues to engage with key stakeholders on operational issues arising from the operation of separation and engagement. Action B9 is being progressed as a

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<sup>69</sup> The review has not been published but we are grateful to the Board for sharing the outcome of the review with us

'pathfinder' for engagement in the separated regime, and to inform the approach to Action B8.

**IRC Comment:** We welcome the work that has been carried out to progress this as far as possible in the absence of a Justice Minister. We acknowledge that further progress is not possible until a Justice Minister is in place.

**Implementation Status:** Action underway.

**B9: Whilst ensuring that all prisoners are treated fairly, the Department of Justice should ensure that appropriate education and training opportunities are provided to prisoners in the separated regime.**

**The Executive's Commitment:** Recognising that there are operational challenges involved in managing the separated regimes, the current provision of constructive activity in separation is commonly identified as an issue of concern by prisoners being held there. The Northern Ireland Prison Service's aspiration is to deliver well matched interventions to everyone in custody.

The Department of Justice will commission a consultative evaluation of constructive activity in separated prison accommodation leading to the development and delivery of a new model of constructive activity for separated prisoners focussed upon positive educational and wellbeing outcomes.

**Lead Responsibility:** Department of Justice and Northern Ireland Prison Service

**Summary of current position reported to the IRC by project leads:** Work has centred on a consultative review of constructive activity in the separated prison accommodation, and the development and design of a new model, focussed upon positive educational and wellbeing outcomes. In February 2018 the Northern Ireland Prison Service commissioned a research team, with specific experience and expertise in education and prisoner engagement, to develop and deliver a consultative evaluation which would seek to engage with all prisoners in separated accommodation and other stakeholders. Information was reviewed in relation to the



educational attainment of prisoners and current learning and skills provision to assist in the formulation of the B9 Review Team's report which was published in March 2019<sup>70</sup>. The Northern Ireland Prison Service has undertaken detailed planning from the publication of the report to date, in consultation with delivery partners (Belfast Metropolitan College and voluntary and community sector organisations), and commenced new arrangements in response to the Review Team's recommendations in September 2019.

**IRC Comment:** We welcome the progress that has been made to implement this Action and will seek further updates from the Northern Ireland Prison Service on the new arrangements and their impact.

**Implementation Status:** Action underway. Follow up required.

**B10: The Department of Justice and the Probation Board should work together with others to urgently develop and implement specific interventions to prepare offenders with links to paramilitary groups for return to society and to assist with reintegration.**

**The Executive's Commitment:** The Department of Justice will commission research to inform the design of relevant interventions that will develop a tailored desistance pathway for offenders with links to paramilitary groups to assist them as they prepare to return to their communities and to support their successful reintegration. This will be taken forward in conjunction with the Probation Board and other relevant individuals and organisations. This work will include community views on reintegration.

**Lead responsibility:** Department of Justice

**Summary of current position reported to the IRC by project leads:** The Department of Justice has been clarifying the potential scope of this work and how it may link with other Tackling Paramilitarism Programme initiatives.

While the focus of the Tackling Paramilitarism work in NIPS has centred around recommendations A9 and B9 it was agreed at a meeting of the NI Prison Service

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<sup>70</sup> <https://www.justice-ni.gov.uk/publications/b9-report-education-and-training-prisoners-separated-regime-northern-ireland>

Tackling Paramilitarism Steering Group held on 26<sup>th</sup> September 2019 that a scoping paper would be developed with a view to engaging academia to undertake research in relation to B10 within this financial year. Initial preparatory work has been undertaken, including considering the lessons learned from the independent review undertaken into education and training opportunities for prisoners in the separated regime (Action B9).

**IRC Comment:** While we recognise the importance of linking with other Actions and building upon them, it is clear that this Action has been slow to progress. We noted the lack of urgency in taking this forward in our First Report and reiterate our concern. This Action has significant potential, and should be taken forward without further delay as slow progress damages the credibility of the Programme as a whole.

**Implementation Status:** Action planned. Follow up required.

**B11: The Department of Justice should also work with law enforcement agencies and the Probation Board to improve the monitoring arrangements for paramilitary offenders when on license.**

**The Executive's Commitment:** The Department of Justice will develop and implement a plan for improving monitoring arrangements.

**Lead Responsibility:** Department of Justice

**Summary of current position reported to the IRC by project leads:** The Department of Justice has been reviewing options with statutory agencies to ensure a suitable mechanism for collective risk management. The development of a risk assessment tool is considered critical to inform that risk management.

Contractual arrangements for the appointment of a project lead have been finalised, the methodology has been agreed and key stakeholders who will inform and contribute to the design (and evaluation) of the risk assessment tool have been identified. The Engagement and Research phase of the project, which included in-

depth interviews with relevant staff to identify key issues, concluded in September 2019. A workshop with stakeholders is planned for October 2019. It will consider the key challenges and existing relevant risk assessment frameworks and practices. Further phases will see the development and review of a risk assessment toolkit which will be submitted for testing in January 2020.

**IRC Comment:** We welcome the steps that have been taken to progress this Action, but we are concerned that this serious issue has still not been resolved. We urge that the remaining phases of the project, outlined above, are completed without further delay.

**Implementation Status:** Action underway. Follow up required.

**B12: The Executive, in conjunction with the Probation Board, should develop, fund and implement an initiative (based on the INSPIRE model) focussed on young men who are at risk of becoming involved, or further involved, in paramilitary activity. This initiative should be a collaboration between Government Departments and restorative justice partners to combine restorative practices and peer monitoring with targeted support in respect of employment, training, housing, health and social services.**

**The Executive's Commitment:** The Probation Board for Northern Ireland will lead on a model aimed at systematically addressing the age related specific risks, experiences and needs of young men who have offended and are at risk of being drawn into crime and paramilitarism. The model will be co-designed between Government Departments and restorative justice partners to combine restorative practices and peer mentoring with targeted support in respect of employment, training, housing, health and social services.

**Lead responsibility:** Probation Board for Northern Ireland

**Summary of current position reported to the IRC by project leads:** The Aspire project commenced as a new initiative in the last quarter of 2017. The project works with marginalised young men (aged 16 to 30) who are most at risk from being involved in paramilitarism and criminality. This includes both those under statutory

supervision through the criminal justice system, and non-statutory referrals. The latter are typically young men who could be under threat (or had been under threat) within their community, originating from families experiencing inter-generational trauma, involved in anti-social behaviour, in drug debt or involved in drug/alcohol abuse. They may also be unemployed with low educational attainment. Around 70% of referrals originate from the B4 areas. Most are unemployed (95%) and around half have reported a sense of fear and intimidation.

**IRC Comment:** We commend the work of the Aspire project, which is an exemplar of diversionary work. An evaluation of the project showed the positive impact that it continues to have on those taking part.

*We heard many good examples of the ASPIRE project, including of a young man in his twenties who had received a prison sentence for a violent offence connected to tensions linked to the loyalist flag protest. His early life was dominated by the extensive involvement of social services and his placement in a number of foster care and residential care facilities. This disrupted his education and he left school without any qualifications. He also has a history of mental health problems, alcohol/drug misuse and self-harming. Referred to the Aspire project by the prison-based Probation Officer, this young man benefitted from the intensive, responsive and supportive approach provided by Aspire which encouraged and enabled him to successfully resettle into his community. By the end of his time with Aspire his risk of reoffending had significantly reduced.*

Having studied the approach used to tackle criminality and societal issues in Limerick, including through youth diversion initiatives, we recognise the importance of the Aspire project in addressing the needs of vulnerable young people.

**Implementation Status:** Action underway.

**B13: As part of the cross-Departmental programme, the Executive Departments with responsibility for Education, the Economy, Health, Communities, Infrastructure and Justice, together with the Executive Office, should all identify the opportunities available to them to both prevent at-risk individuals becoming involved in paramilitary activity and measurably address the underlying issues that put some young people at a higher risk of becoming involved.**

**The Executive's Commitment:** A cross-Departmental programme to prevent vulnerable young people being drawn into paramilitary activity will be developed to sit within the Early Intervention Transformation Programme (EITP). The EITP Board will develop a draft programme for consideration and approval by the Executive. The programme will be designed in conjunction with representatives from wider civic society.

**Lead responsibility:** Department of Health and the Early Intervention Transformation Programme

**Summary of current position reported to the IRC by project leads:** Two strands of work have been undertaken as part of this Action: work to build a shared understanding and application of the commitment across a range of Departments and agencies; and the provision of funding for the Edges Project pilot in the Newtownabbey area and other funded interventions to support vulnerable young people and improve practice.

The EITP Edges Project supported families with troubled and/or troubling adolescents to address issues that could put young people at risk of involvement in paramilitary activity. This has been completed and an evaluation was undertaken to inform development of this Action. Given the cross-Departmental nature of the work, responsibility for coordinating this Action was taken by the Programme Team, and a dedicated resource was appointed in June 2018. Work to date has included stakeholder engagement, programme development and designing a delivery model with policy leads and practitioners. Different models of multi-agency working are being developed in Lurgan, Derry/Londonderry, Rathcoole, West Belfast, Mid and East Antrim and East Belfast, in recognition that there are variations in relation to needs. In parallel, discussions are ongoing between the Department of Justice, PSNI and other agencies (including the Education Authority and the Youth Justice Agency) in relation to how to better 'operationalise' community safety in areas impacted by paramilitarism.

**IRC Comment:** We are encouraged by the preparatory work that is taking place, and recognise that delivering on this Action is challenging. The multi-agency approach should ensure that delivery is adapted to meet local need.

We note that the Edges Project was piloted in Newtownabbey. This is important, given that paramilitaries operate across Northern Ireland and not just in the eight areas targeted under Action B4.

**Implementation Status:** Action underway. Follow up required.

**C1: The strategies and activity of the Police Service of Northern Ireland and other law enforcement agencies should be updated to reflect a shift in focus from 'paramilitary activity' to criminality.**

**The Executive's Commitment:** Strategies and activity in this area will be updated by the Police Service of Northern Ireland as appropriate to reflect the situation as informed by regular operational and strategic assessments.

**Lead responsibility:** Police Service of Northern Ireland

**Summary of current position reported to the IRC by project leads:** The PCTF, consisting of the PSNI, NCA and HMRC, was set up to provide a dedicated, co-located law enforcement response to tackle the particular issue of criminality related to paramilitary groups. Creating this dedicated investigative resource means that a long term consistent focus can be applied to the investigation of paramilitary groups.

**IRC Comment:** The PCTF has been fully operational since November 2017. We welcome its work in tackling criminality linked to paramilitaries.<sup>71</sup>

We have commented in Section A on the need for the additional powers to tackle criminality under the Criminal Finances Act, including the power to make Unexplained Wealth Orders, to be extended to Northern Ireland without further delay, and for full use to be made by law enforcement of existing powers including Serious Crime Prevention Orders. The collaborative use of Organised Crime Group Mapping across law enforcement would also assist in prioritising law enforcement effort on the gangs which cause the most harm.

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<sup>71</sup> See Action C4

In Section A we call for progress on the review of organised crime group legislation to be expedited without further delay and we comment further in relation to Action C2 below. The availability of legislative provisions, similar to those enacted in Scotland in relation to organised crime groups, could assist in terms of tackling criminality linked to paramilitaries in Northern Ireland, may deter some from re-engaging in criminal acts, and would clearly brand the activity as criminal rather than paramilitary activity.

**Implementation Status:** Action underway. Follow up required.

**C2: The Department of Justice should urgently review the legislation relating to serious and organised crime in Northern Ireland to make sure that it is as effective as possible.**

**The Executive's Commitment:** The Department of Justice will commence a review of relevant legislation in July 2016. The review findings will then go out for consultation with a view to introducing draft legislation to the Assembly in the current mandate.

**Lead responsibility:** Department of Justice

**Summary of current position reported to the IRC by project leads:** A paper based review of existing organised crime legislation in other UK jurisdictions, as well as selected international jurisdictions, was completed and various models and options considered in respect of their potential application in Northern Ireland.

Draft legislative provisions were agreed following a preliminary workshop with operational colleagues from the NCA and PSNI. These were tested in a wider multi-agency workshop, held at the end of November 2018 with senior officials from the Scottish Government, PSNI, PPS, NCA, Police Scotland, Scottish Crown Office and Procurator Fiscal Service, HMRC, Belfast City Council and the NI Housing Executive. The group considered if there were any changes or improvements to the current regime that would positively contribute to thwarting organised crime in the

absence of new draft offences. Further bi-lateral meetings took place over the last quarter to identify and address potential issues with the draft legislative proposals.

Draft policy proposals were finalised over the summer months in 2019 and the Department of Justice has now begun work on a public consultation document. However, in the absence of Ministers, it will not be possible to progress beyond consultation stage.

**IRC Comment:** We welcome the extension of the Unduly Lenient Sentences scheme to include offences linked to terrorism, organised crime and paramilitarism by the introduction of new legislation in August 2019<sup>72</sup>. However, we are disappointed that progress on the review of organised crime legislation has been slow, particularly given the number of organised crime groups in Northern Ireland at present<sup>73</sup>. We welcome the development of draft policy proposals and are aware that the Department of Justice hoped to launch a public consultation on them in October 2019, subject to resources being available. We will monitor this Action closely and will seek a further update from the Department.

**Implementation Status:** Action underway. Follow up required.

**C4: The PSNI should prioritise investment in its investigative capacity for tackling criminality linked to paramilitary groups and work with the NCA and other agencies to tackle all organised crime linked to paramilitary groups in Northern Ireland.**

**The Executive's Commitment:** To establish an additional dedicated investigative capacity to tackle criminality linked to paramilitary groups. The objective is to tackle the insidious influence of paramilitary groups and reinforce efforts to tackle more intensely organised crime and criminality. Key to maximising the disruption (and ultimate disbandment) of these groups will be the niche capabilities provided by relevant law enforcement agencies.

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<sup>72</sup> See Action A15

<sup>73</sup> See paragraph 1.37



**Lead responsibility:** Police Service of Northern Ireland

**Summary of current position reported to the IRC by project leads:** The PCTF, consisting of the PSNI, NCA and HMRC, was set up to provide a dedicated, co-located law enforcement response to tackle the particular issue of criminality related to paramilitary groups. Creating this dedicated investigative resource means that a long term consistent focus can be applied to the investigation of paramilitary groups. The combined investigative resource of all three agencies has been focusing its efforts on:

- increasing understanding of the activity of paramilitary linked Organised Crime Groups (OCGs), and their criminal enterprises and networks;
- increasing the number of paramilitary linked OCGs frustrated, disrupted and dismantled;
- increasing the number and quantity of cash seizures / confiscations from paramilitary linked OCGs; and
- increasing the number of paramilitary linked offenders subject to Serious Crime Prevention Orders.

The PCTF has also been supporting wider community based strategies aimed at promoting a culture of lawfulness.

**IRC Comment:** We support the work of the PCTF and welcome its collaborative approach to tackling criminality linked to paramilitary activity and the operational outcomes it is having<sup>74</sup>. It is imperative that robust law enforcement activity against paramilitary groups continues in order to tackle the harm they cause to society generally in Northern Ireland and to the communities in which they operate. The continued impact of the PCTF will not only help to build confidence in policing but will also assist in building confident communities.

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<sup>74</sup> Source PSNI: Between November 2017 and September 2019 the PCTF conducted 492 searches, made 219 arrests, resulting in 176 people being charged or reported to the Public Prosecution Service, and secured 29 convictions. During this period the Task Force seized drugs with an estimated street value of over £570,000, prevented the loss of £3,462,077 of revenue through the seizure of illicit tobacco products, seized 168 weapons, seized cash to the value of £652,175, obtained Confiscations Orders to the value of £132,602 and Restraint Orders to the value of £256,000, and seized 39 vehicles

We are aware that there have been only three civil recovery outcomes under the banner of the PCTF since its inception<sup>75</sup>. While we appreciate that civil recovery investigation cases can take time to complete, we reiterate our call for greater use of civil recovery powers in Northern Ireland.

**Implementation Status:** Action underway.

**C6: The Northern Ireland Environment Agency, and the Environmental Protection Agency in Ireland, should be included in the cross-border Fresh Start Joint Agency Task Force, including the Operations Co-ordination Group.**

**The Executive's Commitment:** The Joint Agency Task Force will undertake a new strategic assessment in October 2016, and will again consider if it would benefit these agencies either joining the Task Force or participating during specific operations.

**Lead:** Police Service of Northern Ireland

**Summary of current position reported to the IRC by project leads:** The PSNI continues to support Northern Ireland Environment Agency (NIEA) activity operationally, and has invited the agency to participate in a multi-agency operation.

**IRC Comment:** The most recent Cross Border Organised Crime Threat Assessment does not include environmental crime as a key threat<sup>76</sup>. We recommend that the Cross Border Joint Agency Task Force keep this under review and include the NIEA and the Environmental Protection Agency Ireland as and when appropriate.

**Implementation Status:** Action underway.

**C7: The Executive, the UK Government and the Irish Government should consider whether there is merit in allowing some of the assets recovered from**

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<sup>75</sup> See Action A16

<sup>76</sup> <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/cross-border-organised-crime-assessment-2018.PDF>

**criminal activity to be used for the benefit of victims, communities and the environment.**

**The Executive's Commitment:** The Department of Justice will take forward a review of the Assets Recovery Community Scheme to consider whether current arrangements can be improved upon for further benefit to victims, communities and the environment.

**Lead Responsibility:** Department of Justice

**Summary of current position reported to the IRC by project leads:** From 2012 to date the Assets Recovery Community Scheme (ARCS) has provided significant funding for the benefit of victims and communities to prevent crime and reduce the fear of crime. In keeping with this Action a review was completed with the aim of building on, and improving, existing practice. The resultant recommendations for improvement to the scheme received approval within the Department of Justice on an interim basis for 2018/2019. (This will be submitted for ministerial approval at an appropriate time, subject to evaluation of the operation of the new arrangements). The revised scheme has seen the introduction of a number of changes to improve its effectiveness, including taking a three year strategic view to the allocation of funding. This will facilitate financial support to a number of projects that span multiple years.

The amended ARCS launched in August 2018 and an unprecedented number of applications were received. The ARCS panel completed assessment of the 187 applications, and 50 projects received an initial recommendation of funding, totalling £1.8 million, up to March 2021. The funding will address a range of issues in support of individuals, families, young people, older people and wider communities. The Department will continue to work with finance colleagues and the Department of Finance to consider what action can be taken to ensure the effective operation of ARCS.

**IRC Comment:** We welcome the allocation of funding for projects funded under the ARCS on a three year basis. This will enable the strategic delivery of projects where required. We encourage the Department of Justice to continue raising awareness of

the Scheme to draw applications from a wide pool of applicants, including from the community sector<sup>77</sup>.

We are aware that Department of Justice officials are meeting Home Office policy officials in October 2019 to scope what potential legislative and administrative steps would be required to introduce changes to how civil recovery receipts – 50% of which are currently retained by HM Treasury under the Assets Recovery Incentivisation Scheme - are directed in Northern Ireland, and the timescales for introducing any potential change<sup>78</sup>. We will monitor developments closely.

**Implementation Status:** Action underway. Follow up required.

**C8: The UK Government, the Executive and law enforcement agencies, working with their partners in Ireland, should ensure that tackling organised criminal activity is an integral part of their efforts to deal with Northern Ireland related terrorism.**

**The Executive's Commitment:** The Executive supports this recommendation and affirms its commitment to continue and build upon existing efforts in this area. The Secretary of State, Justice Minister and Chief Constable meet regularly to discuss the threat and our combined strategic response. Within the Executive, the Justice Minister chairs the Organised Crime Task Force bringing together law enforcement agencies to provide a multi-agency partnership that also includes civil society and the business community.

Under the *Fresh Start* agreement a Cross Jurisdictional Joint Agency Task Force was established in December 2015 to enhance efforts to tackle cross-jurisdictional organised crime and paramilitary activity. On a North/South basis, the Minister of Justice and the Minister of Justice and Equality meet at least twice a year under the

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<sup>77</sup> See <https://www.justice-ni.gov.uk/articles/assets-recovery-community-scheme> which states that “Since the start of the scheme in 2012, half of the total proceeds of crime recovered through the payment of confiscation orders have been directed to the Assets Recovery Community Scheme (ARCS) fund to support projects that prevent crime or the fear of crime. The other half is diverted to relevant law enforcement agencies to invest in asset recovery work”

<sup>78</sup> See Action A16 and <https://www.gov.uk/government/collections/asset-recovery-statistics>

auspices of the Intergovernmental Agreement on co-operation on criminal justice matters.

The Government of Ireland has also restated its commitment to tackling paramilitarism, criminality and organised crime, and its full support for the work of the Cross-Border Joint Agency Task Force established under the Fresh Start Agreement.

**Lead Responsibility:** UK Government, NI Executive, Government of Ireland and law enforcement agencies in both jurisdictions

**Summary of current position reported to the IRC by project leads:** The PCTF, consisting of the PSNI, NCA and HMRC, was set up to provide a dedicated, co-located law enforcement response to tackle the particular issue of criminality related to paramilitary groups. Creating this dedicated investigative resource means that a long term consistent focus can be applied to the investigation of paramilitary groups.

The Northern Ireland Office is responsible for the UK Government's strategic response to Northern Ireland related terrorism and recognises the significant interdependency between terrorism, paramilitarism and organised crime. It therefore maintains a close and coordinated relationship with the Programme Team and also participates in the Programme Board meetings to ensure that activities to address these related threats are mutually reinforcing and aligned with overarching objectives.

In the absence of an Executive, the UK Government has taken necessary steps to ensure the ongoing operation of key policing and criminal justice functions by introducing legislation<sup>79</sup> to allow key appointments within the criminal justice system to be made, for example, the Chief Constable, the Police Ombudsman and independent members of the Policing Board.

In the current financial year, the UK Government awarded the PSNI an additional

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<sup>79</sup> See footnote 64

£16.5m to help manage pressures and contingencies arising from EU exit preparations. This will enable PSNI to recruit 206 additional officers and sustain the additional 102 they recruited and trained in the course of the last financial year.

The Secretary of State has extensive, regular engagement with the Chief Constable, his senior officers and a variety of law enforcement bodies. Security challenges are a regular feature of discussion with the Irish Government in a range of forums. The need for a joined up approach to tackling paramilitarism and organised crime remains a priority for the Secretary of State.

**IRC Comment:** While we acknowledge the work of the PCTF, on which we have already commented<sup>80</sup>, the measures to implement this Action in full extend beyond the remit of the PCTF.

We therefore also wish to acknowledge the work of the Cross Border Joint Agency Task Force, which was one of the measures set out in the Fresh Start Agreement as part of a concerted and enhanced effort to tackle cross-jurisdictional organised crime. The Task Force is also having significant success against organised criminality<sup>81</sup>.

Earlier in this Report we note the Organised Crime Task Force's assessment of a heightened risk that organised crime will expand into new sectors and fuel further criminality after Brexit, and that a "No Deal" scenario would lead to changes in criminal behaviours, with potential new criminal markets for previously legitimate commodities<sup>82</sup>.

We note the Northern Ireland Office's recognition of the significant interdependency between terrorism, paramilitarism and organised crime. We encourage the Northern Ireland Office, the Programme Team and law enforcement agencies to work collaboratively to ensure that tackling organised criminal activity is a key part of the strategy for dealing with Northern Ireland related terrorism.

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<sup>80</sup> See Action C4

<sup>81</sup> See paragraph 1.66

<sup>82</sup> See paragraph 1.14

Preventing criminal profits from being used to fund terrorism is key to effectively implementing this Action. We have therefore made a number of recommendations which, if adopted, would strengthen the impact of asset recovery in Northern Ireland, including the introduction of Unexplained Wealth Orders in Northern Ireland alongside the establishment of an agency focussing solely on civil recovery of the proceeds of crime<sup>83</sup>.

**Implementation Status:** Action underway

**D1: The Executive should prioritise steps to significantly and measurably improve the educational and employment prospects of children and young people in deprived communities, focusing particularly on those who are at greatest risk of educational under-attainment.**

**The Executive's Commitment:** In line with the Programme for Government commitment to a more equal society and in the context of its Programme for Government Delivery Plan the Department of Education will work with other Departments to review and refresh actions. The Department of Education will also continue to promote pupil attendance at school. In support of this, the Education and Training Inspectorate will publish a good practice guide for schools on the promotion of pupil attendance.

The Department for the Economy, through the "Social Inclusion" project *Further Education Means Success* will identify the barriers that inhibit groups of learners from participating in further education provision, and explore ways to overcome those barriers.

The Department for Infrastructure will, in line with the rest of the public sector, ensure social clauses are included in contracts for major infrastructure schemes, such as the Belfast Transport Hub project. This will include targeting of long term unemployed, apprenticeships and engagement with the local community.

**Lead responsibility:** Department of Education, Department for the Economy, Department for Infrastructure, and the Strategic Investment Board

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<sup>83</sup> See Section D

**Current position reported to the IRC by project leads:** Work is underway, including by the Department of Education, to tackle educational underachievement and improve the quality of educational provision as a means to closing the achievement gap.

The Department of Education has developed a range of programmes including a Parental Engagement Campaign; an Extended Schools Programme; A Miss School, Miss Out Strategy targeted at increasing pupil attendance; a Primary Principals Support Programme in North Belfast; and a West Belfast Community Project that includes the Greater Shankill Partnership Board and is targeted at supporting pupils transitioning between pre-school, primary and post primary schools.

Since October 2018, access to in-year attendance data has provided absence data by school to enable closer monitoring and identification of issues at an early stage. Links between the Department of Education and the Peace IV Youth Programme have also been developed to help support disadvantaged, excluded or marginalised youth.

Research commissioned by the Department of Education on barriers that inhibit different groups engaging and participating in education has been completed and its recommendations will be considered by relevant departments.

A “Buy Social” approach has been adopted in the implementation of the Tackling Paramilitarism Programme to maximise the benefits from public procurement in terms of social cohesion and inclusion, equal opportunities and sustainable development.<sup>84</sup>

**IRC Comment:** In our view, this is one of the most critical elements of the entire Executive Action Plan aimed at ending paramilitarism.

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<sup>84</sup> “Buy Social” is a way to maximise the benefits from public procurement in terms of social cohesion and inclusion and equal opportunities and has a particular focus on securing employment opportunities in areas with high levels of disadvantage.



We recognise the important work being undertaken to provide additional learning opportunities for children from disadvantaged areas, including the Targeting Social Need strategy. We also note that the work being taken forward under this Action, as outlined above, forms only part of the totality of interventions and programmes to improve the educational and employment prospects of young people in deprived communities.

We are aware that educational under-attainment is a profound challenge but achieving transformation will be one of the single biggest contributors to ensuring a Northern Ireland free of paramilitarism. The key word is “transformation”. Measured in that context, we are disappointed in the progress to date and remain concerned with the lack of ambition behind the plans communicated to us.

Having said that, we are also aware that tackling educational under-attainment and improving the employment prospects of children and young people in deprived communities cannot be achieved via a stand-alone effort by the educational authorities. A new level of energy and ambition is needed to enable a transformation to be achieved, as was envisaged in the Fresh Start Agreement. The many interconnected issues involved provide the rationale for advocating that tackling paramilitarism moves towards a Whole of Government approach. This wider systemic approach must become embedded as a new dedicated outcome of the Programme for Government. We welcome the willingness of the Programme Board and Team to move in this direction and urge the Head of the Civil Service to give priority to this Action in the year ahead.

**Implementation Status:** Action underway. Follow up required.

**D2: The Executive should accelerate and build on its existing good relations strategy to measurably reduce segregation in education and housing and set ambitious targets and milestones to achieve measurable progress as quickly as possible.**

**The Executive’s Commitment:** The Executive is committed to continuing to build on

existing strategies and will give ongoing consideration to this going forward.

**Lead responsibility:** The Executive Office

**Summary of current position reported to the IRC by project leads:** This commitment is related to the existing Together: Building United Communities (T:BUC) programme on shared education and shared housing/neighbourhoods and includes the following projects: Shared Neighbourhoods, Urban Villages, Shared Education Campuses and the Removal of Interface Barriers amongst others. The Department of Education has launched a new wrap-around educational support pilot programme for children and young people facing significant challenges, which will run for two years from September 2019. This programme, a collaboration between the Department of Justice and the Department of Education, will introduce educational-based interventions to help prevent paramilitary activity and criminality in four deprived areas.

**IRC Comment:** While good progress has been made on delivering on T:BUC targets relating to shared education and shared housing/neighbourhoods, action emanating from this Action has been disappointing. To date, just one pilot initiative has been put in place and ambitious targets and milestones have not been set as required by this Action. The T:BUC programme has benefitted from significant Fresh Start funding yet innovative measures to ensure additionality have yet to be introduced.

**Implementation Status:** Action underway. Follow up required.

**D4: The Executive should put in place strong programme management arrangements for developing and delivering the strategy, incorporating all those organisations which we have highlighted as having a direct role in implementing the recommendations in this report. More broadly, the Executive should adopt a partnership approach to involve, where possible, representatives of the public and private sectors and the voluntary and community sectors in the design, delivery and evaluation of the measures in its strategy.**

**The Executive's Commitment:** The Cross-Departmental Programme Board will extend the opportunity to apply for *Fresh Start* funding to voluntary and community sector organisations and to statutory bodies working in partnership with voluntary and community sector organisations to develop new programmes and actions in support of this Action Plan. The Executive will also put in place appropriate mechanisms to engage strategically with the range of partners involved in delivering this Action Plan. The Executive will extend membership of the Cross-Departmental Programme Board to include representatives of other Executive Departments. The Board will report on progress, through the Chair, to the Executive in line with the *Fresh Start* reporting arrangements.

**Lead responsibility:** Tackling Paramilitarism Programme Board

**Summary of current position reported to the IRC by project leads:** Programme management arrangements, including the Tackling Paramilitarism Programme Board are in place.

**IRC Comment:** We welcome the Head of the Civil Service taking on the role of Chairperson to the Programme Board. We recommended in our First Report that serious consideration be given to the role that local Councils could play in implementing the measures contained in the Executive Action Plan. We note the intention of the Programme Board to invite representatives of local Councils to join the Board.

**Implementation Status:** Action underway.

## **PART II: OTHER MEASURES**

3.14 As noted in our First report, five of the 43 recommendations which were set out in the Panel Report and subsequently included in the NI Executive Action Plan are for the UK and/or Irish Governments to implement. In this Part, we report on their progress using the same measurement as before. The lettering and numbering below relates to the lettering and numbering used in the Panel Report and in the Executive Action Plan, the “commitment” set out for each Action reflects what the UK and/or Irish Governments said they would do. Their commitments were included in

the Executive Action Plan when it was published in July 2016.

**B14: The UK and Irish Governments should consider a mechanism being put in place for a limited period to deal with any future decommissioning of residual weapons or material.**

**The UK and Irish Governments' Commitment:** If there is a need identified for a decommissioning mechanism, both the Government of Ireland and the Government of the UK have advised that they will consult to consider this recommendation.

**Lead Responsibility:** The UK and Irish Governments

**Summary of current position reported to the IRC by the UK and Irish Governments:** Both Governments advise that they will continue to keep this commitment under review in accordance with the wider policy aim of transitioning groups away from violence.

**IRC Comment:** We note the intention of both Governments to keep this Action under review. Any consideration of a transition process for paramilitaries, as recommended in this Report, will have to take this Action into account.

**Implementation Status:** Action underway. Follow up required.

**C3: The UK and Irish Governments should review the legislation relating to paramilitary groups (e.g the Terrorism Act 2000) to ensure that it remains in step with the transitioning status of groups in NI.**

**The UK and Irish Governments' Commitment:** The Government of the UK and the Government of Ireland have advised that they continue to keep relevant legislation under review to ensure its effectiveness.

**Lead Responsibility:** UK and Irish Governments

### **Summary of current position reported to the IRC by the UK and Irish Governments:**

Both Governments will continue to keep this under review. The UK Government is of the view that changes to the legislation should not, however, be the only driver for change. This is especially the case in the absence of an Executive to offer assistance with framing a transition process.

**IRC Comment:** We note the intention of both Governments to keep this Action under review. Any consideration of a transition process for paramilitaries, as recommended in this Report, will have to take this Action into account.

**Implementation Status:** Action underway. Follow up required.

### **C5: The UK Government should resource the National Crime Agency and HM Revenue and Customs to appropriately prioritise intensive work to tackle all organised crime linked to paramilitary groups in Northern Ireland.**

**The UK Government's Commitment:** The UK Government supports efforts to tackle paramilitarism and organised crime in Northern Ireland by providing £25 million of funding through the Fresh Start Agreement to help ensure that the relevant agencies are appropriately resourced to fulfil that commitment.

**Lead Responsibility:** UK Government

**Summary of current position reported to the IRC by the UK Government:** The UK Government has demonstrated its commitment to tackling organised crime linked to paramilitary groups through its financial commitment to the Tackling Paramilitarism Programme. The £25 million provided by the UK Government over 5 years has been matched by the Executive<sup>85</sup>. The PCTF was set up under Action C4 and has had a significant impact since its creation<sup>86</sup>.

**IRC Comment:** We welcome the establishment of the PCTF. As we noted in our First Report options for its longer term sustainability should be given serious consideration. In Section A of this Report we comment on our visit to the Scottish

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<sup>85</sup> See paragraph 8.2 of Section D of the Fresh Start Agreement, replicated in Appendix A of this Report

<sup>86</sup> See Action C4

Crime Campus, an initiative funded by the Scottish Government. We saw at first hand the benefit of a bespoke, purpose built facility co-locating key criminal justice organisations including Police Scotland, NCA, HMRC, Crown Office and Procurator Fiscal Service and Forensics to tackle serious and organised crime through collaboration and partnership working. Notwithstanding the good work of the PCTF to date we believe that a facility similar to the Scottish Crime Campus would, in the longer term, have significant impact in tackling serious and organised crime and criminality linked to paramilitaries in Northern Ireland.

We recommend that serious consideration be given to establishing an agency focussed solely on civil recovery of the proceeds of crime in Northern Ireland or, alternatively, that greater emphasis is placed on the use of these powers by the NCA. If the NCA is to increase the amount of civil recovery activity in Northern Ireland and sustain the lower financial thresholds for cases long term, it is important that the UK Government ensures it is adequately funded to do so.

**Implementation Status:** Action underway. Follow up required.

**D3: Agreement on a way forward for dealing with the past should be reached as soon as possible and the agreed mechanisms should be completed in a time-limited period.**

**The UK and Irish Governments' Commitment:** There remains a need to resolve the outstanding issues relating to the past. The Executive, the UK Government and the Irish Government are reflecting on how to achieve this.

**Lead Responsibility:** UK Government and Irish Government

**Summary of current position reported to the IRC by the UK and Irish Governments:** The UK Government remains fully committed to finding a solution for dealing with the legacy of the Troubles which works for everyone - this means a solution which meets the needs of victims and survivors and ensures that members

of the police and armed forces are treated fairly and complies with the UK Government's domestic and international legal obligations.

The UK Government recently carried out a consultation on a framework of proposals, flowing from the Stormont House Agreement, on how the system could be reformed. Over 17,000 responses were received which will be important in informing the way forward. The Secretary of State will continue to work closely with the Northern Ireland parties, ministerial colleagues - particularly in the Ministry of Defence and Office for Veteran's Affairs - parliamentarians, the Irish Government and key stakeholders to find a way forward which is effective, legally robust and commands consensus.

The Irish Government enacted the Criminal Justice (International Co-operation) Act 2019 in July this year. This legislation will facilitate further co-operation with the legacy institutions under the Stormont House Agreement as well as providing for co-operation on legacy inquests being undertaken by the Coroners Service in Northern Ireland.

**IRC Comment:** We note the publication of the summary of responses to the UK Government's consultation on the legacy of the Troubles in Northern Ireland in July 2019. In Section A we welcomed the Department of Justice's announcement on legacy inquest reform, including confirmation of funding to speed up legacy inquest arrangements and deal with outstanding cases.

We also welcome steps taken by the Irish Government to enact legislation that facilitates further co-operation on legacy matters in Northern Ireland.

It is important that the proposals for the next steps arising out of the consultation process are taken forward without further delay. This will assist in advancing the work of ending paramilitarism.

**Implementation Status:** Action underway. Follow up required.

**D5: It is important that the IRC is put in place as soon as possible and is vigorous in holding to account all those responsible for delivering actions as part of the strategy.**

**The UK and Irish Governments' Commitment:** The UK and Irish Governments are working together to establish the Independent Reporting Commission.

**Lead Responsibility:** The UK and Irish Governments

**Summary of current position reported to the IRC by the UK and Irish Governments:** This Action was completed with the passing of legislation in both UK and Ireland to give effect to the International Treaty establishing the Independent Reporting Commission.

**IRC Comment:** Not required.

**Implementation Status:** Action Complete.



## **SECTION D: RECOMMENDATIONS**

4.1 Our mandate to report annually to the UK and Irish Governments and the NI Executive on progress towards ending paramilitary activity and on implementation of the measures to tackle it, allows us to make recommendations to the Executive to inform future Programme for Government priorities and commitments through to 2021.

4.2 In our First Report we made nine recommendations. In this Section we provide an update on what has been done in response to them, and we make six further recommendations on issues which have come to our attention during the year.

### ***PART I: RECOMMENDATIONS 2018***

4.3 The following summarises the responses of the relevant authorities to the recommendations set out in our First Report:

#### **Additional approach to enhance delivery of Executive Action Plan**

We welcome the appointment of the Head of the Northern Ireland Civil Service (HOCS) as the Chairperson of the Programme Board. We see this as an important development and welcome the leadership signal being sent by HOCS towards a Whole of Government approach, which we believe is essential if ending paramilitarism is to be successfully delivered. We note that our specific proposal for the establishment of a cross-Departmental hub of officials working exclusively to tackle paramilitarism has not been taken forward. We continue to see merit in establishing a cross-Departmental hub working exclusively to tackle paramilitarism, but accept that it now needs to be considered alongside our recommendation in this Report that tackling paramilitarism be incorporated into the Programme for Government as a new dedicated outcome in its own right.

### **Advisory Board to the Tackling Paramilitarism Programme Board**

A cross-party group of representatives of the five main political parties was established just prior to the publication of our First Report. In response to our recommendation, the arrangement was refreshed to become an Advisory Group. Since March 2019, the Group has been meeting on a monthly basis.

### **Whole of Society approach/Shared Responsibility**

We believe that a wide public debate on all of the issues involved is necessary so that there is public confidence in the measures needed to ensure sustainable success in tackling paramilitarism and societal transformation. Whole of society support for both elements of the Twin Track approach is fundamental to its success.

### **Neighbourhood Policing**

In our First Report we recommended that the PSNI have regard to the role that visible neighbourhood policing has in tackling paramilitary activity and we welcome the recent comments of the Chief Constable and his commitment to direct more resources into neighbourhood officers in the coming months. In this Report we reiterate the importance of neighbourhood policing<sup>87</sup>. We note that the Local Policing Review is now complete, and that the findings will be published in November 2019.

### **Sustainability Measures**

We welcome efforts to include tackling paramilitarism as an expressly stated and dedicated outcome of the Programme for Government. We also welcome recognition within the Northern Ireland Civil Service that extending the timeframe for implementation of the programme of work associated with ending paramilitarism is critical in this regard. Options for longer term sustainability of those actions which are effective in tackling paramilitarism are being considered by the Head of the Civil Service.

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<sup>87</sup> See Recommendation 3 in part II of this Section

### **Possible role of local Councils in the delivery of Fresh Start**

We welcome that consideration is now being given to the role local Councils can play in tackling paramilitarism in Northern Ireland. We note the intention to invite representatives of local Councils to join the Board.

### **Governance of funding arrangements**

Governance and financial management arrangements have been put in place, including a commitment by recipients of all Programme funds to adhere to a re-worked ministerial pledge of office. We are advised that the Executive Office, the PSNI and the Programme Board have discussed how they will ensure their procurement plans match our Recommendation.

### **Enhanced use of Asset Recovery powers**

We repeat that the full suite of powers available to law enforcement authorities need to be used to their fullest extent. Greater emphasis must be placed on the use of asset recovery powers by law enforcement agencies operating in Northern Ireland. In this Report we recommend that serious consideration should be given to establishing an agency that focusses solely on civil recovery in Northern Ireland.

### **Speeding up Justice**

The Department of Justice continues to work on the Speeding up Justice Programme. In this Report we make further Recommendations on measures to improve effectiveness of the justice system.

## ***PART II: RECOMMENDATIONS 2019***

4.4 We wish to take the opportunity to make a further suite of Recommendations on issues which have come to our attention during the course of our work this year.

4.5 Overall, we believe that an important start has been made in addressing the task of ending paramilitarism “once and for all”, based on the comprehensive Twin-Track approach set out in the Fresh Start Agreement. We comment in this Report on the good progress that is being made, but we also note where not enough is being done. Implementing the following Recommendations would, in our view, strengthen efforts to tackle paramilitarism and enhance delivery of the Executive Action Plan.

### **1. The comprehensive tackling of paramilitarism must become an expressly stated and dedicated outcome of the Programme for Government**

If we are to achieve the end of paramilitarism “once and for all” we must tackle the systemic issues facing communities where paramilitaries continue to operate. Our analysis has led us to the conclusion that for this to happen the tackling of paramilitarism must be integrated into mainstream, long-term Government policy as a new dedicated outcome of the Programme for Government.

## **2. Several measures aimed at enhancing the law enforcement response to tackling paramilitary activity in Northern Ireland**

Based on what we have learned and witnessed this year we make a number of proposals in relation to the Track One approach which we believe will enhance the law enforcement response, improve the effectiveness of the justice system in Northern Ireland and strengthen confidence in policing:

- **Civil Recovery of Criminal Assets**

The use of the non-conviction based civil recovery regime to recover the proceeds of crime is a powerful tool in tackling organised criminality, including that carried out by paramilitaries. In Northern Ireland civil recovery powers are exercised by the NCA, in addition to its broader range of responsibilities in tackling serious and organised crime across the UK. We welcome the NCA's involvement in the PCTF, and the fact that it agreed to lower the financial threshold for the pursuit of civil recovery cases in Northern Ireland. However, our engagement with law enforcement agencies this year, including visits to the Criminal Assets Bureau in Dublin and the Civil Recovery Unit in Scotland, suggests that the exponential benefits of an approach which is exclusively focussed on recovering illicit assets through the civil recovery process are substantial. We think that the same approach would significantly enhance the law enforcement response in Northern Ireland and recommend that serious consideration should be given to establishing an agency that focusses solely on civil recovery of the proceeds of crime in Northern Ireland.

We appreciate that this would require primary legislation and may not be a viable option at present given the current absence of an Executive and functioning legislative Assembly. In the interim, greater emphasis must be placed on the use of asset recovery powers by law enforcement agencies operating in Northern Ireland, including the robust and targeted use of civil recovery powers by the NCA, to tackle criminality linked to paramilitaries.

- **Unexplained Wealth Orders**

The asset recovery regime could be further strengthened by the use of Unexplained Wealth Orders and other new powers that were set out in the Criminal Finances Act 2017. However, in order to extend these powers to Northern Ireland, a Legislative Consent Motion is required. This is not possible due to the absence of an Executive and functioning legislative Assembly. Accordingly, Northern Ireland is the only part of the UK without these new and powerful statutory tools that enhance the civil recovery process. We are aware that the criteria for Unexplained Wealth Orders would have been met in a number of civil recovery investigations in Northern Ireland had the powers been available to the NCA. We therefore recommend that these Orders, and the additional powers under the Criminal Finances Act 2017, are extended to Northern Ireland as soon as possible to boost the law enforcement response to criminality.

**3. Increased provision of dedicated neighbourhood policing teams should be fully resourced. Models currently piloted in some of the areas where paramilitaries operate should be intensified as a policing priority**

In our First Report we noted that visible neighbourhood policing has a key role to play in tackling paramilitary activity. We reiterate the importance of neighbourhood policing and recommend that increased provision of dedicated neighbourhood policing teams should be fully resourced. The neighbourhood policing models currently piloted in some of the areas where paramilitaries operate should be intensified in those areas as a policing priority. We base this Recommendation on our engagement with a wide range of groups from civic society who believe there are not enough dedicated and visible neighbourhood police officers on the ground in communities most adversely impacted by paramilitary activity. We welcome the comments of the Chief Constable and his commitment to direct more resources into neighbourhood policing in the coming months. We call for this to happen as soon as possible.

#### **4. Several measures aimed at improving the effectiveness of the justice system in Northern Ireland**

Increasing the pace at which the justice system works is a key element of building public confidence and support, particularly in communities which may have become disengaged from criminal justice organisations. We therefore call for urgent action in the following areas:

- **Abolition of Committal Proceedings**

It is widely accepted by those involved in the criminal justice system that the abolition of committal proceedings is key to speeding up justice in Northern Ireland. We are very concerned that the renewed focus of law enforcement on tackling paramilitary activity could be adversely impacted by the time it takes for the disposal of criminal cases as a result of the committal process.

The process provides minimal value while imposing onerous demands upon victims, witnesses and the court system. It has been disposed of in other parts of the UK and needs to be disposed of in Northern Ireland.

- **New Offences to Tackle Serious and Organised Crime**

There are 88 Organised Crime Groups in Northern Ireland, 22 of which have paramilitary links. Under Scottish legislation it is an offence to become involved in serious organised crime, and/or to 'direct' serious organised crime, and/or fail to report it. The Scottish framework also provides that connections to serious organised crime in a criminal prosecution may be regarded as an aggravating factor which the court must take into account in determining sentence. Organised crime provisions similar to those enacted in Scotland could assist in terms of tackling criminality linked to paramilitaries in Northern Ireland, and may deter some from re-engaging in criminal acts. We therefore call for progress under Action C2 of the Executive Action Plan to be expedited without further delay.

**5. That a dedicated Transition Process for paramilitaries be developed and implemented**

Twenty one years on from the signing of the Good Friday/Belfast Agreement, we believe that the time has come for consideration to be given to a dedicated transition process for paramilitaries to bring paramilitarism to an end.

**6. The need for a major public debate on ending paramilitarism, as part of a wider societal conversation**

In our First Report we recommended that a public debate take place on all the issues involved to ensure public confidence in efforts to tackle paramilitarism. This remains necessary. Over recent months we have seen more thoughtful discussion in the media on how to tackle the issue effectively. We believe that the time has come to amplify that discussion.



### Extract from Fresh Start Agreement 17 November 2015

#### Section A: Ending Paramilitarism and Tackling Organised Crime

##### **Monitoring and Implementation**

5.1 A four member international body including persons of international standing will be established by the UK and Irish Governments. The UK Government and the Irish Government will nominate one member each and the Executive shall nominate two members. The body will:

- report annually on progress towards ending continuing paramilitary activity connected with NI (or on such further occasions as required);
- report on the implementation of the relevant measures of the three administrations; and
- consult the UK Government and relevant law enforcement agencies, the Irish Government and relevant law enforcement agencies and, in Northern Ireland, the Executive, PSNI, statutory agencies, local councils, communities and civic society organisations.

5.2 The reports of the body will inform future Executive Programme for Government priorities and commitments through to 2021.

##### **Statement of Principles**

2.1 There has been huge progress in recent years in helping transform society in Northern Ireland. However it is clear that there is work that still remains to be done in completing this transition.

2.5 All the parties to this Agreement remain fully dedicated to each and all of these principles and further commit to:

- work collectively to achieve a society free of paramilitarism;
- support the rule of law unequivocally in word and deed and support all efforts to uphold it;
- challenge all paramilitary activity and associated criminality;

- call for, and work together to achieve, the disbandment of all paramilitary organisations and their structures;
- challenge paramilitary attempts to control communities;
- support those who are determined to make the transition away from paramilitarism; and
- accept no authority, direction or control on our political activities other than our democratic mandate alongside our own personal and party judgment.

## **Section D: UK Government Financial Support**

### **Tackling Continued Paramilitary Activity**

8.2 The UK Government will provide an additional £25 million over five years to tackle continuing paramilitary activity. The UK Government funding will only be released after the Executive has agreed a strategy to address continuing paramilitary activity.

8.3 The NI Executive will match the UK Government's additional funding to tackle continuing paramilitary activity.

## APPENDIX B

### **Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing the Independent Reporting Commission**

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland:

*Recalling* the agreement reached in multi-party negotiations and annexed to the Agreement signed by both Governments on 10 April 1998 (the Agreement between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland done at Belfast on 10 April 1998);

*Recalling* subsequent agreements, including the St. Andrews Agreement, the Hillsborough Agreement devolving policing and justice powers, the Stormont House Agreement and the agreement reached on 17 November 2015, 'A Fresh Start, The Stormont Agreement and Implementation Plan';

*Reiterating* their commitment to work collectively to achieve a society free of paramilitarism, including within the context of the Northern Ireland Executive's Strategy to End Paramilitarism (hereafter referred to as "the Executive's Strategy"), by tackling all paramilitary activity and associated criminality and supporting the rule of law, the PSNI and the criminal justice system;

*Having decided* to establish an independent international commission to report on progress towards ending paramilitary activity connected with Northern Ireland and to report on and inform the implementation of the Executive's Strategy;

HAVE AGREED as follows:

### **Article 1**

The Independent Reporting Commission (hereafter referred to as “the Commission”) is hereby established by the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland (hereafter “the Government of Ireland and the Government of the United Kingdom”) in accordance with this Agreement.

### **Article 2**

- (1) The Commission shall be independent in the performance of its functions.
- (2) The Commission shall have the legal capacity of a body corporate.

### **Article 3**

The objective of the Commission is to carry out the functions as described in Article 4 of this Agreement with a view to promoting progress towards ending paramilitary activity connected with Northern Ireland, and supporting long term peace and stability in society and stable and inclusive devolved Government in Northern Ireland.

### **Article 4**

(1) In relation to the remaining threat of paramilitary activity, in particular from those paramilitary groups declared to be on ceasefire, the Commission shall:

- (a) report on progress towards ending continuing paramilitary activity connected with Northern Ireland; and
- (b) report on the implementation of the relevant measures of the Government of Ireland, the Government of the United Kingdom, and the Northern Ireland Executive, including the Executive’s Strategy.

(2) The Commission shall report annually to the Government of Ireland, the Government of the United Kingdom and the Northern Ireland Executive. The Government of Ireland and the Government of the United Kingdom may also jointly request reports on such further occasions as required. The Government of Ireland and the Government of the United Kingdom shall publish the reports of the

Commission.

(3) The Commission, in its reports, may make recommendations to the Northern Ireland Executive in order to inform future Programme for Government priorities and commitments through to 2021.

#### **Article 5**

In carrying out its functions as described in Article 4 of this Agreement the Commission shall consult:

- (a) the Government of Ireland and relevant law enforcement agencies;
- (b) the Government of the United Kingdom and relevant law enforcement agencies; and
- (c) in Northern Ireland, the Northern Ireland Executive, the Police Service of Northern Ireland, statutory agencies, local councils, communities and civic

#### **Article 6**

The members of the Commission, who shall include in their number persons of international standing, shall be appointed and serve on terms and conditions decided by the Government of Ireland and the Government of the United Kingdom, as follows:

- (a) one member shall be nominated by the Government of Ireland;
- (b) one member shall be nominated by the Government of the United Kingdom;
- (c) two members shall be nominated by the Northern Ireland Executive.

#### **Article 7**

(1) The Commission, its members, staff, property and premises, and any agents of, or persons carrying out work for or giving advice to, the Commission shall have such privileges, immunities and inviolabilities as may be conferred or provided by the relevant legislation of Ireland and of the United Kingdom.

(2) That legislation shall, in particular, provide for immunity from suit and legal process, and the inviolability of the Commission archive, but may provide for the Commission to waive such immunities.

### **Article 8**

Such moneys, premises, facilities and services as may be necessary for the proper functioning of the Commission shall be provided by the Government of Ireland and the Government of the United Kingdom on a basis to be determined by them.

### **Article 9**

(1) No information shall be disclosed by, or on behalf of, the Commission in fulfilment of its functions under Article 4 except by decision of the Commission.

(2) Members of the Commission, staff of the Commission, persons carrying out work for or giving advice to the Commission and agents of the Commission shall, in accordance with the relevant legislation of Ireland and of the United Kingdom, be bound not to disclose any information obtained in the course of the performance of their functions under Article 4 as such members, persons or agents unless such disclosure is authorised by the Commission. Communication of such information to each other shall not be considered disclosure for the purposes of this Article.

(3) The Commission shall not do anything in carrying out its functions which might;

- (a) put at risk the safety or life of any person;
- (b) prejudice the national security interests of Ireland or of the United Kingdom;
- (c) have a prejudicial effect on any proceedings which have, or are likely to be, commenced in a court of law; or

- (d) have a prejudicial effect on the prevention, investigation, detection or prosecution of crime.

(4) Legislation in Ireland and in the United Kingdom may set out arrangements under which the Government of Ireland or the Government of the United Kingdom, respectively, may assist the Commission in meeting its obligations set out in Article 9(3).

#### **Article 10**

The Commission shall keep proper accounts and proper records of all moneys received or expended by it and shall, at the joint request of the Government of Ireland and the Government of the United Kingdom, appoint auditors who shall audit the accounts of the Commission. The reports of the auditors shall be submitted to both the Government of Ireland and the Government of the United Kingdom.

#### **Article 11**

This Agreement shall enter into force on the date on which the Government of Ireland and the Government of the United Kingdom exchange notifications of completion of any procedures required by their law for entry into force of the Agreement.

#### **Article 12**

This Agreement shall continue in force until terminated by mutual agreement of the Government of Ireland and the Government of the United Kingdom and thereafter shall cease to have effect save in so far as and to the extent necessary for meeting any liabilities or disposing in an orderly manner of any remaining assets of the Commission and for the destruction by the Commission of all information received by it in connection with the performance of its functions under Article 4 of this Agreement and any records it holds relating to such information.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

DONE at Dublin in two originals on the 13 September 2016.

James Brokenshire  
For the Government of the United Kingdom  
of Great Britain and Northern Ireland

Charles Flanagan  
For the Government of  
Ireland



## APPENDIX C

### Data and Indicators

#### Responses to the Northern Ireland Life and Times Survey Module 'Community Safety and Perceptions of Paramilitary Influence'

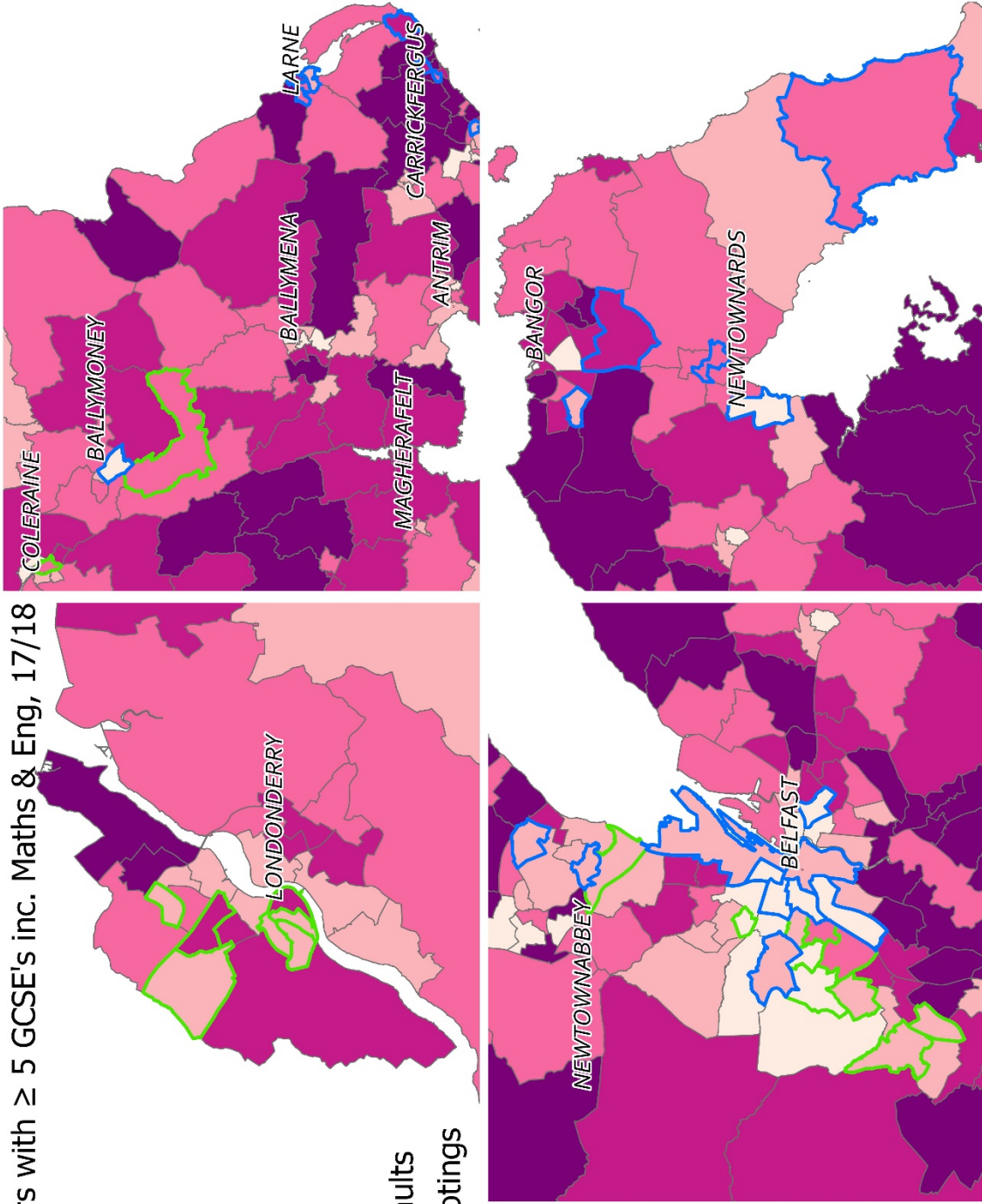
	2017 strongly agree or agree %	2018 strongly agree or agree %
People in this area don't feel confident reporting crime and anti-social behaviour to the PSNI	23	18
The PSNI keeps this area safe	54	56
People in this area feel that they are protected by the law and justice system	57	58
Paramilitary groups have a controlling influence in this area	13	10
Paramilitary groups help keep this area safe	5	4
Paramilitary groups create fear and intimidation in this area	14	12
Paramilitary groups contribute to crime, drug-dealing and anti-social behaviour in this area	19	16
Young people are being influenced too much by paramilitary groups in this area	14	10

% of School Leavers with  $\geq 5$  GCSE's inc. Maths & Eng, 17/18

- per Ward
- 0 - 52.2%
  - 52.3 - 65.5%
  - 65.6 - 75.0%
  - 75.1 - 84.2%
  - 84.3 - 100.0%

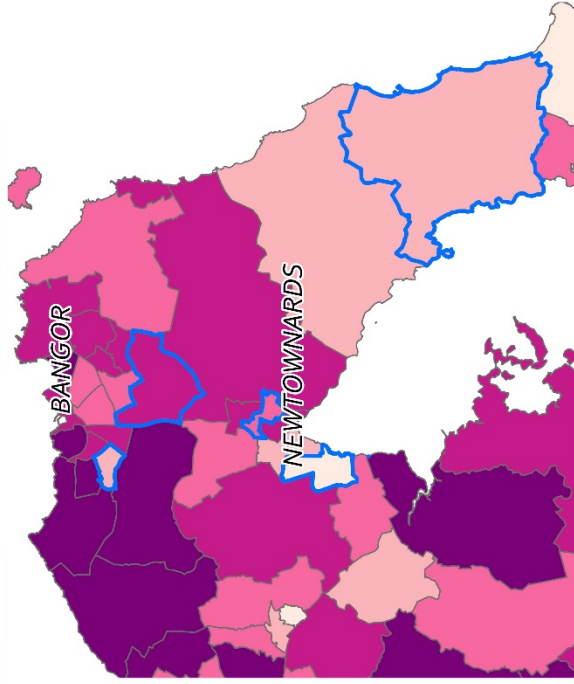
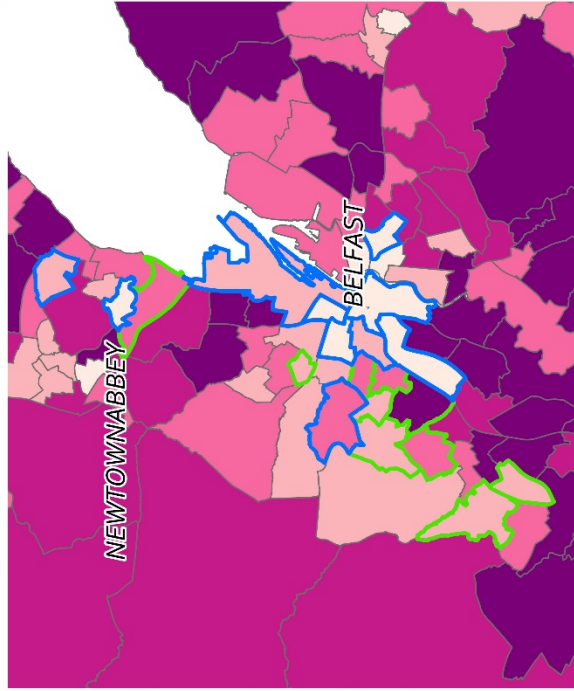
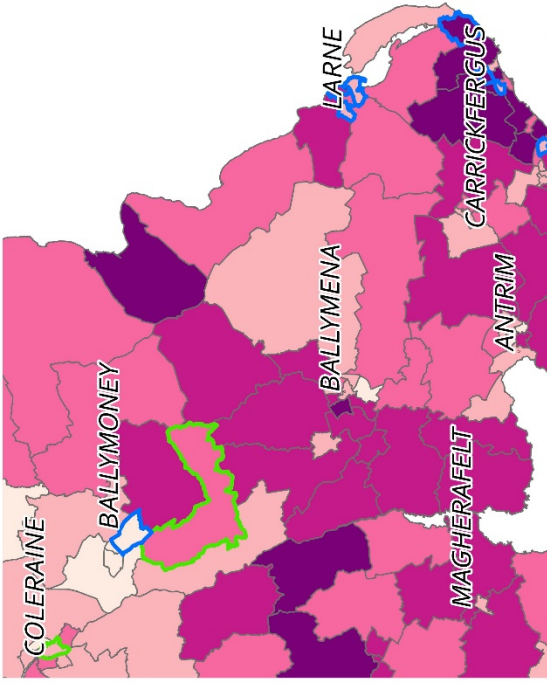
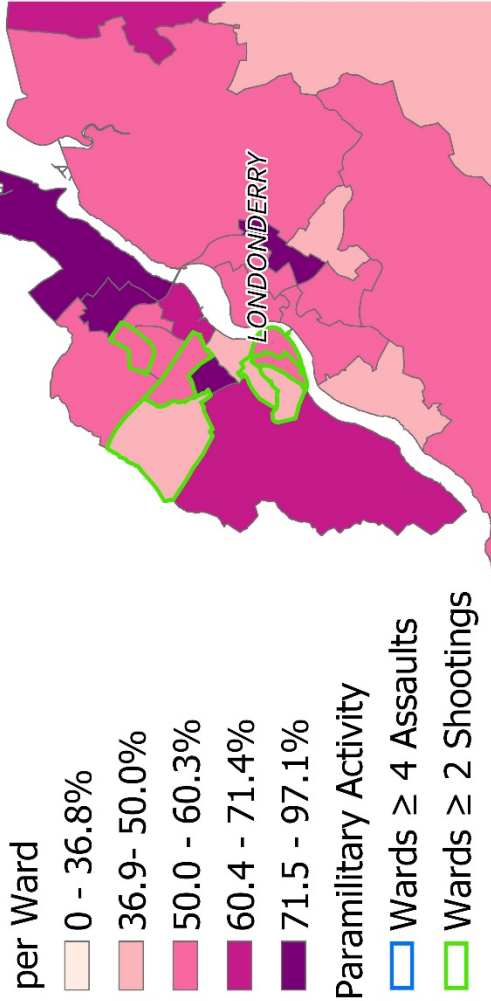
Paramilitary Activity

- Wards  $\geq 4$  Assaults
- Wards  $\geq 2$  Shootings



Data source: DE & PSNI FOI data.  
 OSNI Open Data Largescale Boundaries - Ward 2014.  
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% of School Leavers with 2 or more A levels, 2017/18



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