



Victims and Survivors Forum

Briefing Paper on Outcome Related Activity: Forum Contribution to Legacy Issues 2017-18

1. Background

- 1.1. The Commission identified the area of Legacy as a key area of focus for the Forum in the business plan for 2017-18. This was for 2 key reasons:
 - 1.1.1. The Victims and Survivors Forum replenishment process was completed in April 2017 and members indicated at their induction residential that this was the area of focus in their opinion. Members agreed that given the diversity of opinion on Legacy issues and the complexity of the Stormont House Agreement mechanisms, it was preferable that this was addressed in plenary rather than in a working group.
 - 1.1.2. The Secretary of State for NI had expressed the need for Legacy issues to move to a 'public phase' in September 2016. Therefore. It was anticipated that the consultation on the Stormont House Agreement mechanisms would be launched early in the Forum's tenure. These mechanisms would include the Historical Investigations Unit (HIU), Oral History Archive (OHA) and the Independent Commission on Information Retrieval (ICIR).

Members agreed with the Commission that Legacy would be a priority for the Forum work programme. The Forum members attended a residential in March 2017 and began to deliberate on their approach to Legacy issues.

2. Forum Preparation for Legacy Consultation

- 2.1. At the residential in March 2017, members looked at the 4 key areas of interest for victims and survivors regarding Legacy issues; Truth, Justice, Acknowledgement and Reparations. Each of these four areas were discussed at a full day workshop and discussed again in plenary. The Guidance note for the session can be found in Annex 1.

3. Summary of Recommendations from the Workshop

- 3.1. A detailed report was composed capturing the breadth of issues raised by the members and can be referenced in Annex 2. The table below summarises the key recommendations from the workshop:

Table 1: Summary of Recommendations to the Commissioner April 2017

Area	Recommendation
<p>Consultation VSF members made a clear expression that meaningful consultation will be essential in any forthcoming engagement on dealing with the past. With the VSF's advisory role the Commission should ensure the VSF is central to any consultative process.</p>	<p><i>Commissioner to ensure VSF is central to any consultation.</i></p> <p>COMPLETED</p>
<p>Political engagement VSF members registered an interest in engaging with the political parties in order to highlight victims and survivors issues. It was acknowledged this would be with the five main parties, with consideration to smaller parties.</p>	<p><i>Commission to explore options for engaging with political parties.</i></p> <p>COMPLETED</p>
<p>Key Guiding Principles for Dealing with the Past With regards to the discussions on dealing with the past, it was clear that the principles, as agreed by the previous Forum, are still appropriate and relevant. However, it is noted that areas such as the need to be victim-led, the importance of Human Rights and choice may warrant a refresh and development of the principles.</p>	<p><i>VSF to consider if principles require a refresh.</i></p> <p>COMPLETED</p>
<p>Advice on dealing with the past It needs to be noted that the Commission's advice, <i>Advice on Dealing with the Past: a Victim Centred Approach</i>, was submitted to Ministers in March 2014. Whilst the content was informed by significant engagement and consultation and is broadly reflected in the SHA proposals, it may be appropriate and timely to seek the views of the VSF regarding this advice. If new advice is required, this paper can be viewed as the beginning of policy advice under development.</p>	<p><i>VSF to consider if the 2014 advice is still appropriate.</i></p> <p>COMPLETED</p>

- 3.2. These recommendations were considered by the Commissioner and the following actions were taken:
- 3.2.1. The Key Guiding Principles were reviewed and amended by the Forum member. Subsequently, the revised Principles were updated and used by the Forum and the Commission.
 - 3.2.2. The Research and Policy Development Team reviewed the Commission's, *Advice on Dealing with the Past: a Victim Centred Approach*, as submitted to Ministers in March 2014.
 - 3.2.3. In May 2017 at the request of the NIO, the Forum discussed in detail what they anticipated as a victim centred approach to a consultation process and made a series of recommendations. This recommendations were formulated into advice from the Commissioner to the NIO and the members incorporated their recommendations into their representation to political representatives and stakeholders.
- 3.3. The Commission drafted a political engagement strategy that commenced in June 2017 and was delivered through the remainder of the 2017-18 work programme. The Forum members gave a presentation that was drafted against the key issues they wished to raise and was refined through the year as the external environment developed. Key messages included: presentation of the recommendations for a victim centred consultation process, Key Guiding Principles for Dealing with the Past, support for all mechanisms contained in Stormont House Agreement whether delivered via Westminster, NI Assembly or across British and Irish Governments, call for release of funds for Legacy Inquests as requested by the Lord Chief Justice in 2016 and amended to reflect the discussion on a statute of Limitations in November 2017.
- 3.4. Members requested that a 2 phase approach was taken to a political engagement strategy.
- 3.4.1. **Phase 1-** Targeted engagement with Party Leaders and Legacy Spokespersons from each of the 5 main political parties, Secretary and Shadow Secretary of State for NI and Minister for Foreign Affairs. Table 2 (see pages 4-6) details the engagement held under Phase 1 of the work programme including preparation and delivery.
 - 3.4.2. **Phase 2-** Engagement with representatives from smaller political parties and communities of interest groups. Phase 2 was deferred to the 2018-19 work programme due to time constraints and the volume of activity related to Phase 1.

Table 2: Phase 1 Political Engagement on Legacy Issues

Date	Details	
20 June 2017	<ul style="list-style-type: none"> - Sinn Fein: John Loughran, Linda Dillon and Sean Murray - Alliance: David Ford - SDLP: Alex Attwood and Dolores Kelly - UUP: Doug Beattie and Alan Chambers - DUP: Emma Little-Pengelly 	<p>VSF met with political parties to discuss issues around:</p> <ul style="list-style-type: none"> - SHA mechanisms; - Mental Trauma Service; - Legacy consultation; - Legacy inquests; - Pension; - Victims outside NI; and - National security.
14 September 2017	Kate Turner, Healing Through Remembering	Preparation for upcoming SoS engagement. Work shop also facilitated by Kate Turner on truth; discussion was based on the SHA, however, KT noted that truth recovery mechanisms are not agreed so need to think beyond the SHA.
25 September 2017	James Brokenshire, Secretary of State	Meeting included discussion around the proposed consultation on truth recovery mechanisms.
1 November 2017	DUP: Arlene Foster, Philip Weir, Gordon Lyons and Michelle McIlveen	<p>First of the meetings arranged with the five main political parties in NI. Discussion included:</p> <ul style="list-style-type: none"> - Legacy issues; - SHA mechanisms; - Mental Trauma Service; and

Date	Details	
		<ul style="list-style-type: none"> - Pension for the severely injured.
21 November 2017	VSF preparation for Legacy Consultation	Meeting focused on upcoming legacy consultation prep. And general discussions on how this should look (victim centred, accessibility etc.)
29 November 2017	SDLP: Colum Eastwood and Dolores Kelly Alliance: Stephen Farry	Second and third of the meetings arranged with the five main political parties in NI. Discussion included: <ul style="list-style-type: none"> - Legacy issues; - Legacy consultation; and - SHA mechanisms.
7 December 2017	Sinn Fein: Michelle O' Neill, Linda Dillon, John Loughran and Sean Murray UUP: Doug Beattie and Robin Swann	Fourth and fifth (final) of the meetings arranged with the five main political parties in NI. Discussion included: <ul style="list-style-type: none"> - Legacy issues; - Legacy consultation; - Statute of limitations; and - SHA mechanisms.
26 January 2018	Owen Smith, Shadow Secretary of State	Meeting with SSoS included discussion on: <ul style="list-style-type: none"> - Barriers to delivery of SHA mechanisms; - Legacy Consultation; - Pension for the severely injured; - Impact of austerity measure in a post-conflict society; and - Media reporting on victims and survivors issues.

Date	Details	
23 February 2018	VSF Political Engagement Status Update	<p>The meeting included:</p> <ul style="list-style-type: none"> - Update on political situation at Stormont; - Recap of political engagement to date; - Legacy consultation (including the need to include pension in this); - SHA mechanisms; and
12 March 2018	Preparation for Tánaiste	Meeting held to prepare for Tánaiste visit later in the month.
21 March 2018	Simon Coveney, Tánaiste (accompanied by others from DfA etc.)	<p>This meeting allowed for conversation with the Tánaiste on:</p> <ul style="list-style-type: none"> - SHA mechanisms; - Pension for the severely injured; - Statute of limitations; - Legacy inquests; - Impact of Brexit; - Barriers to progress; and - Issues around current political impasse.

4. Forum Contribution to Legacy Policy Development

- 4.1. The contributions and outcome of the Forum's deliberations were optimised throughout the development of policy advice in 2017-19, as referenced above, this has included:
 - 4.1.1. Development of response to NIO on Legacy Consultation (see Annex 3);
 - 4.1.2. Informed response to Defence Committee (see Annex 4);
 - 4.1.3. Promotion of Widows Pension issues; and
 - 4.1.4. Response to the proposed inclusion of a Statute of Limitations in Legacy Consultation.
- 4.2. The Forum had a facilitated workshop on truth processes facilitated by Healing through Remembering in September 2017.
- 4.3. Forum members have contributed to the Commission's Peace IV research group on advocacy.

5. Forum Contribution to the Communications Strategy of the Commission and Stakeholder Engagement Plan

- 5.1. The Forum have a key role in the Commission's Communications Strategy. The Commission present the contribution of the Forum, its work programme and activity across the range of the identified tactics. The Forum's page on the Commission's website is one of the most visited pages on the site. The Communications and Engagement Team present the Forum activity and deliberations through the use of news articles, blogs and vlogs, infographics and social media channels. Forum members contributed to targeted issues in 2017-18 related to Legacy with a range of vlogs and infographics related to the Stormont House Agreement and the Pension for the Severely Injured.
- 5.2. The members accompanied the Commissioner to a range of media interviews and public speeches and presentations on Legacy issues. This included seminars and conferences including the Ulster University Transitional Justice Institute Seminar series, the Annual Victim Support Europe Conference in Dublin in May 2017. The authenticity of the victims or survivors voice is a powerful communicative tool and the Commission will continue to optimise the valued contribution the members make.
- 5.3. The Forum members have compiled monthly news update and blogs which identified key actions and messages on their progress and activity. The focus and intended outcome of the vlogs are identified in the C&E Delivery Plan.
- 5.4. Since February 2018, the Communications and use the stakeholder engagement database to capture Forum activity in two ways:

5.4.1. The first is the actual convening of the Forum as a stakeholder to the Commission; i.e. their meetings, working group meetings etc. This will demonstrate the actual 'physical' activity of the Forum on a quantitative basis.

5.4.2. The second way we do this is to select them as 'staff involved' in any engagement activity in which they have played a part in the Commission's position e.g. Commissioner media appearances where work/consensus of the Forum is captured. This will enable the Commission and Forum members to quantitatively visualise how the Forum has fulfilled its role as being "a place for consultation and advice" in the delivery of the Commission's outcome delivery objectives which includes Legacy (see figures 1 and 2).

See Annex 5 for outcomes as listed in the Outcome Delivery Plan 2017-18.

Figure 1: Outcomes met through VSF activity (1 February – 31 March 2018)

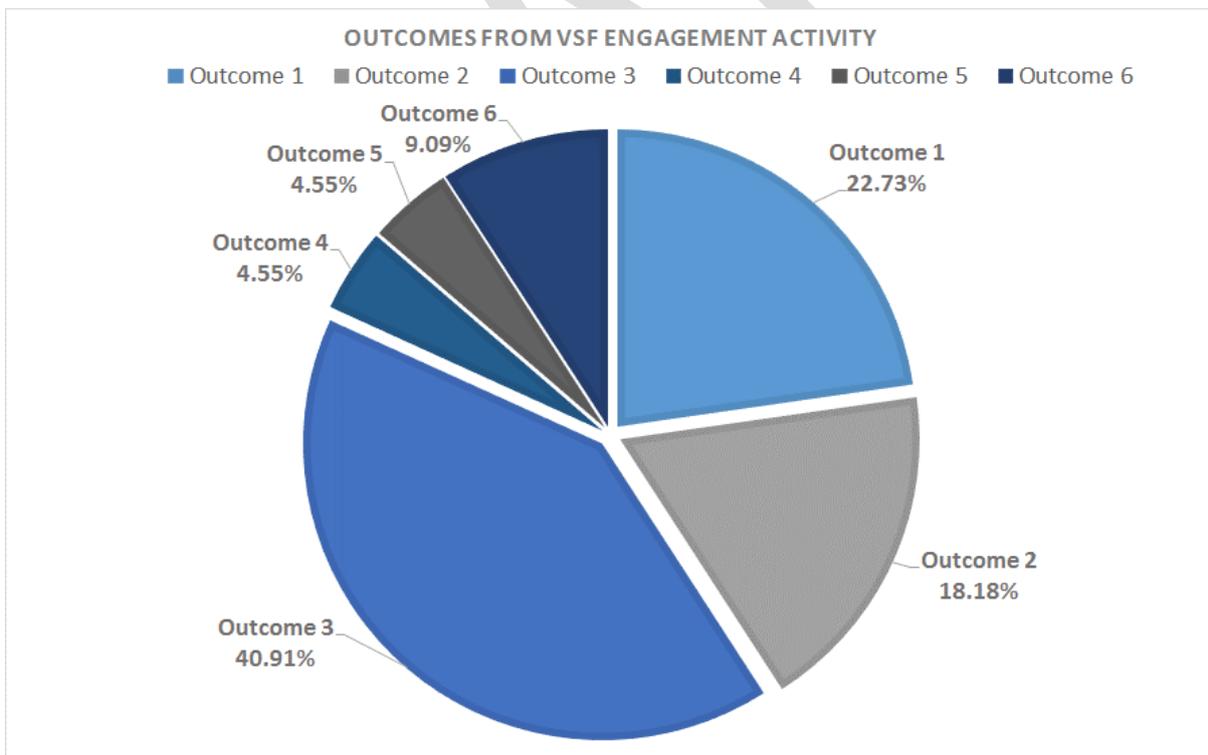
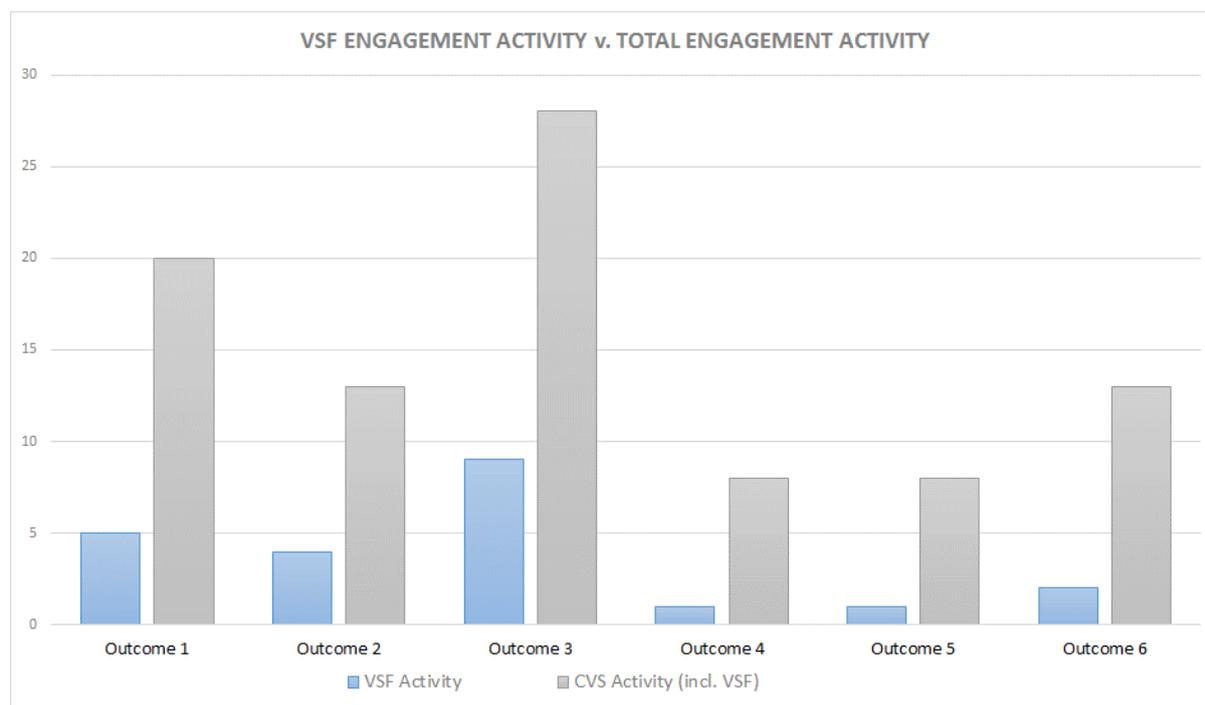


Figure 2: Outcomes met through VSF activity compared to total activity (1 February – 31 March 2018)



6. Summary Impact

- 6.1. The Forum recommended to the Commission in March 2017 that the main focus of activity in 2017-18 should be driving forward on Legacy issues. This was realised by the substantive contribution to Legacy issues by the Forum members in the reporting period.
- 6.2. The Forum and the Commission are now in a state of preparedness for the launch of the consultation on Legacy issues. In 2018-19, the Forum will continue to keep a watching brief on Legacy issues and redirect time should the consultation be launched. They will also ensure that the establishment of any Legacy institutions or processes are compliant to their vision for a victim centred approach to dealing with the past.
- 6.3. Forum members have asked the Commission to move forward with Phase 2 of political engagement and have specified engaging with non-state and state actors who will contribute to the delivery of the Independent Commission on Information Retrieval and Oral History Archive. This is to scope how best to optimise the design of these mechanisms in a victim centred and ethical manner.
- 6.4. The deliberations of the Forum informed the Lord Chief Justice's review of inquests and delivered support to his call for resources to address outstanding Legacy Inquests.

- 6.5. The Forum contributed to maintaining a public focus on delivery of the Stormont House Agreement mechanisms.
- 6.6. The Forum delivered advice to the NIO on a victim-centred public consultation.
- 6.7. The Forum gave broad support to the removal of the Statute of Limitations in Legacy investigations.
- 6.8. The Forum influenced the Irish government who have progressed legislation in order to play a part in Historical Investigations and Legacy Inquests.

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Annexes

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Annex 1

Legacy Workshop Guidance Note March 2017

Legacy Discussion – Guidance Note

Four workshops:

Pillar	SHA proposals	Staff member
Truth	Historical timeline, ICIR	Peter
Justice	HIU, Advocate Counsellor	Judith
Acknowledgement	IRG, OHA	Tina
Reparation	MTS, pension, services	John

Time for each discussion: 45 mins

10 mins

- Read out the objective:

Evaluate what the SHA offers victims/survivors, identify gaps and envisage what effective legacy mechanisms would be like

- Ask Forum members to look at SHA table (each area coloured)
- Read out proposal and overview

- Refer to the Post-it notes on flipchart (relating your workshop) – read them out as a prompt for the discussion
- Ask Forum members who would like to report-back from their group during the feedback session

30 mins (main discussion)

- Three questions areas (you will need to take notes during their discussion)

10 mins

- 1) How will these proposed mechanisms meet expectations?

10 mins

- 2) What are the barriers or risks, from a victims/survivors point of view, to deliver these proposals?

10 mins

- 3) What would a victim-centred approach look like in delivering these mechanisms?

5 mins

- You will then summarise the key points from the discussion (from your notes)
- Agree 2/3 points under each of the 3 questions
- Confirm member reporting back has the 2/3 points

ENDS

Participants stay at table

You move to next table (bring flipchart with you)

Annex 2

Commissioner Briefing Paper



**The Commission for
Victims & Survivors**



Commissioner Briefing Paper

**Summary of the Victims and Survivors Forum
Discussions on Dealing with the Past**

(26 April 2017)

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1.0 Background

1. This paper summarises dealing with the past discussions at the Victims and Survivors Forum (VSF) residential.¹
2. The purpose of the discussions were to consult with Forum members, in their first meeting as a full new Forum, to obtain views and perspectives on proposed legacy institutions and issues relating to dealing with the past.
3. The paper identifies the key messages from the Forum to inform the work of the Commissioner and the Commission in relation to addressing the legacy of our past and informs the recommendations contained in this paper.
4. Dealing with the past discussions were held on day two of the residential.²

2.0 Discussion approach

5. Two information gathering approaches were used to obtain views from VSF members:
 - Initial thoughts and aspirations; and
 - Facilitated workshops.
6. Prior to the discussions, Forum members were provided with an overview of the Stormont House Agreement (SHA) proposed legacy institutions.³ In order to frame conversations, each proposal was categorised under the following headings:
 - Truth;
 - Justice;
 - Acknowledgment; and
 - Reparation.
7. Commissioner Thompson also provided an overview of each of the proposed legacy mechanisms and recent political developments.

3.0 Initial thoughts and aspirations

8. Commissioner Thompson asked members to write down their initial thoughts on what they would like to see as a result of an agreed approach to dealing with the past. This was an anonymous paper-based exercise and intended to stimulate thoughts prior to the workshop sessions.

¹ Residential was held at the Redcastle Hotel, County Donegal, 25th-26th April 2017.

² VSF members present: Jeremy Adams, Alan Brecknell, Paul Crawford, Donal Dunn, Paul Gallagher, Mina Jadeja, Don Mackay, Emmett McConomy, Robert McClenaghan, Paul McCormac, Sarah McGrillen, Denise Mulan, Jack Nicholl, Carmel Rooney and Minty Thompson.

³ See Appendix A.

3.1. Feedback to the Commission

9. Feedback to the Commission is detailed below⁴:

- Resolution to the legacy issue of the past;
- Accountability;
- Greater accountability about the past from the British and Irish governments;
- Equality for all victims;
- Full implementation of the SHA without priority to any grouping
- Trouble not to be repeated or thought of as the norm;
- A small sign at the site where my father was shot – like the blue signs – happens already in the form of unofficial memorials;
- Some sort of essential skills to be introduced in schools to encourage sensitivity in speaking about the past, to help the transgenerational element;
- Develop consensus on proposal of LCJ Sir Declan Morgan to fund inquests;
- Develop practical workable proposal to deal with the issue of 'national security';
- Build consensus on need for Police Ombudsman to get the funding to carry out his inquiries;
- For the future financial security of victims and survivors to be assured in the form of real tangible reparations in the form of a lifetime pension – for the injured and for bereaved widows;
- As many victims are affected by poverty and depend on state benefits, I would like there to be special consideration of the effects of the conflict;
- Resolution to the pensions issue for victims and survivors;
- Reparations;
- Pension must include PTSD victims – all inclusive, no excuses
- Bespoke mental health service (across NI);
- Compensated (a sorry not enough);
- Truth and acknowledgement 'Lord Chief Justice';
- More details of the incident and outcomes if any;
- Opportunity to record my lived experience i.e. as part of e.g. history contribution;
- Acknowledgment of my lived experience;
- Acknowledgement as one of the 12,000 'signed up' as official victims/survivors;
- Equity of truth – no amnesty for any group, but all groups to be held equally to account;
- A Wikipedia style web page which links to story media (news reel) and OHA on conflict-related deaths;
- Organisational responsibility and accountability through ICIR;
- Justice;
- Truth;

⁴ Feedback was treated anonymously and is recorded verbatim in this paper.

- Information;
- Dispelling myths (was there really abduction);
- Truth and justice for all victims of the Troubles;
- Timeline for dealing with the past;
- Clear, concise and transparent processes formalised for the families/victims/survivors, in terms of accessing information in relation to their own case;
- To get some sort of acknowledgement that no results were positive from the immoral acts of the perpetrators;
- A mediation group that can be approached for more information on actual incidents of family members killed (after HET).

10. Due to timescales it was not possible to discuss the above perspectives during the residential. However, it is clear that they informed the discussions during the facilitated workshops.

4.0 Facilitated workshops

11. The objective for the workshops was detailed as:

Evaluate what the Stormont House Agreement offers victims/survivors, identify gaps and envisage what effective legacy mechanisms would be like.

12. In order to explore above the objective, members were asked to consider the following questions:

- How will these proposed mechanisms meet expectations?
- What are the barriers or risks, from a victims/survivors point of view, to deliver these proposals?
- What would a victim-centred approach look like in delivering these mechanisms?

13. Four roundtable workshops were held in parallel. Conversations were framed under the areas of truth; justice; acknowledgement; reparation and were facilitated by a Commission member of staff.

4.1. Feedback to the Commission

14. Feedback during the discussions were captured by Commission staff and is summarised below.

4.1.1 Truth

15. Discussions in all four workshops concentrated on the proposed Independent Commission on Information Retrieval (ICIR) the historical timeline.

16. All workshop participants agreed with the merits of an historical timeline. There was broad support for a process that would facilitate a fact-based account of conflict-related incidents.

17. During the workshops it was highlighted that it was essential that any detail used should be factually correct. A number of readily available sources were cited by members, for example *Lost Lives* and CAIN, and their appropriateness were discussed and appraised. There was broad acknowledgement that there is a need for detailing information in a factual way (date; location; impact; responsibility).
18. Participants in each workshop explained the need to ensure that all incidents were recognised. A number of members explained that, at times, there can be a tendency to highlight specific incidents that are commonly referred to in the media, for example.
19. Accessibility and usability was raised by two Forum members. It was suggested that a timeline should be available in multiple formats and should link-in with the Oral History Archive. A further suggestion was made that it may be beneficial to include milestones of social and historical points of interest in order to provide an historical context alongside the timeline.
20. Participants in all four workshops noted that there was a feeling of caution towards any truth recovery process. However, it was noted that that if the institutions were managed properly and prevented from becoming political that they could be effective.
21. The need for an emphasis on realistic expectations and the need to manage expectations was highlighted at all four workshops.
22. The majority of discussions in the workshops centred on the ICIR proposal. There was broad agreement and recognition for the need of an opportunity to retrieve information.
23. In all workshops the issue of accountability was raised. Areas discussed included the feasibility of ensuring the ICIR was engaged with a person(s) of responsibility within each organisation (security forces/state and paramilitary organisations).
24. A number of Forum members registered concerns regarding the five year timescale for completing the ICIR's work. The Independent Commission for the Location of Victims' Remains was used as an example of a similar body, working in a similar environment, which has operational for some time.
25. One Forum member recommended that the Commission, as an independent and impartial body, should have a role in acting as a conduit for information or introducing individuals to the ICIR.
26. It was also highlighted that in a truth recovery process there is a need for advocacy to be correctly delivered and the role of an advocate and advocacy support must be clearly identified and the appropriate skills and training in place to deliver this support.

4.1.2 Justice

27. Discussions in all four workshops concentrated on the proposed Historical Investigations Unit (HIU) and advocacy support for individuals and families engaged in any justice process.

28. All workshops reflected upon lessons and experiences from other processes; particularly the Historical Enquires Team (HET). As an example, a number of members highlighted their experiences of engaging with the HET. Some of the issues highlighted included how the team initiated contact, content and presentation of reports and lack of support for those engaged in the process. There was an acknowledgement that any new mechanism required a victim-centred approach and that any learning from the HET process should inform the design of the HIU.
29. The difference between the HET and HIU, in terms of investigatory powers, was recognised. Some potential barriers and risks highlighted during the discussions included the recruitment of investigators; specifically the need for investigators to be independent. Some members also highlighted the need to have the required competencies, for example an understanding of the context, and recent investigative experience. It was highlighted that some individuals may not want retired police officers who worked in Northern Ireland, for example, and also that any recruitment process could delay how quickly investigations could begin.
30. A number of members also highlighted that, due to dissatisfaction in the HET process, the possibility of cases being looked at again by the HIU should be explored in the context that everyone has the right to a proper investigatory process.
31. National security was discussed and issues around which information can or cannot be disclosed needs to be resolved publically in order for there to be clarity. Many members queried the processes and procedures that may be used and the need to safeguard information and individuals. Equally, it was stated that security-related issues should not derail any process.
32. There were discussions in each workshop in relation the difference between individuals who carried out an action and those who were in a position of authority and if there is difference in terms of responsibility.
33. Managing expectations was highlighted by a number of members. This was detailed in the context of justice meaning different things to different people and that anyone involved in the process must understand and be clear about what can or cannot be achieved. Linked to this was how information, and misinformation, in the public domain and amongst victims and survivors is addressed and how this is effecting views and opinions on the HIU.
34. Support for individuals and families was highlighted by a number of members. For example, it was suggested that proper and formalised advocacy and support should be in place from the beginning of the HIU process. This would help those engaged in the process steer the direction they wish to take, as well as help to manage expectations. Advocacy support was highlighted in all workshops as an area that should be available and well publicised for anyone engaging with a justice process.
35. In one workshop, service standards were raised as opportunity to inform and shape how processes could be victim-centred and victim-led.

4.1.3 Acknowledgement

36. Discussions in the acknowledgement workshops focused on proposals for the Implementation and Reconciliation Group (IRG) and the Oral History Archive (OHA).
37. Many members explained that victims and survivors can contribute to building a better society through sharing their experiences, assisting with research programmes and being part of a wider societal healing processes.
38. A number of members stated that acknowledgment-related issues, similar to aspects of truth and justice, can lead to transgenerational transfer. Some members explained younger generations can sometimes feel burdened in that they have pursue answers or information.
39. During all four workshops it was highlighted that the ageing population of victims and survivors was an important factor in any acknowledgement process.
40. All four workshops highlighted the complexities of the IRG's potential operating environment. The greatest complexity highlighted was how paramilitary organisations and the state(s) agencies participate. Related to this was discussions in relation to 'corporate' information and responsibility, leadership roles, exploration of apologies and ultimate accountability in relation to incident(s).
41. Responsibility was highlighted in all workshops. Discussion in this area included where responsibility lies, who would accept responsibility and whether any responsibility is individual or collective. Another potential barrier linked to this area was that a process could cause embarrassment for all those involved.
42. It was discussed by a number of members that there should be a facility for apologies to be issued to those who may seek that form of acknowledgement. Equally, it was highlighted that if there was no apology or remorse, then an admission of responsibility may be sufficient. Linked to this was discussions regarding the possibility of public acts acknowledgement.
43. A number of members highlighted that those engaged in any acknowledgement process need to be mindful of the complexity of the past. For example, this may include the social justice context of society that suffered and produced acts of harm of violation, the role of economic disadvantage and the context of class structure.
44. Human Rights and Article 2 (Right to Life) obligations were highlighted as an area that acknowledgment processes needed to be mindful of. In the context of acknowledgement, this was explained as the breadth of impact on personal growth and development and managing the expectations of victims and survivors and families.
45. It was noted in workshops that the IRG could provide an opportunity for an acknowledgement of trauma caused as a result of decades of violence. Some of the discussions highlighted how this form of acknowledgement could provide an opportunity to stop and prevent violence from happening again and recognise the resilience of individuals and communities. It was highlighted that the IRG could also provide an opportunity for clarification and redressing spurious or inaccurate

information regarding conflict-related incidents. Linked to this area were comments regarding truth acknowledgment; including facts that must be informed, leading to dispelling rumours and misinformation that civic society have been told and challenge the untrue.

46. The international context of acknowledgement was discussed. It was acknowledged that the Troubles involved many actors from outside of Northern Ireland, in different ways, with jurisdictions such as Libya, the USA, and South Africa being discussed.
47. It was highlighted that for any process to work it is critical that it is realistic and timely. Similar to the conversations in the truth workshops, a number of members highlighted concerns regarding the five year timeframe for IRG delivery.
48. Within all four workshops there was an acknowledgement that the OHA would provide a useful space for participants to tell their story. There was broad acceptance that there should be an opportunity to share experiences, perspectives and interpretations of incidents that impacted upon their lives and society.
49. The purpose of the OHA was highlighted by a number of Forum members. It was broadly accepted that the OHA should be intended as mechanism for recording experiences. These experiences should be personal accounts and bespoke to the individual who participated. Linked to this, it was highlighted that detail needs to be accurate. Further, in one group there was a discussion on if information contained within the OHA could be discoverable or useable for the purpose of other mechanisms.
50. There was an understanding that sharing experiences and narratives are personal and that a personal history of an event, even if it is fact to that individual, may be different to others. In this sense, issues relating to who can speak on behalf of a family or an incident was highlighted by a number of members.
51. It was noted that there needs to be an ethical and safe approach to how the process is managed. For example, by the use of trained practitioners and skilled personnel who understand context and conduct work to a high ethical standard. It was also highlighted that the OHA is not intended to be a therapeutic intervention, and with that, there should be appropriate support in place for those participating in the process.
52. A number of members discussed completed and ongoing oral history projects and explained that there is an opportunity to ensure that these testimonies are included.
53. Discussions highlighted that any mechanism should be accessible and available in a number of formats. A number of Forum members suggested that the OHA could be used as an education tool. This would be to explain human impact, as an opportunity to discuss social impact and share experiences locally and further afield.
54. The ageing population of victims and survivors was highlighted as a driver for ensuring that voices are captured.

4.1.4 Reparation

55. Discussions in all four workshops concentrated on current and proposed service provision, compensation and proposals regarding a pension for the severely injured.

56. There was broad acknowledgment that much of what has been delivered to date has not met the needs of many victims of survivors. Equally, it noted that the reparations means different things to different people. For example, it can be financial, needs-based support or include measures such as memorialisation.
57. Forum members highlighted that victims and survivors should to be treated with dignity and respect and any dealing with the past process should focus on reducing re-traumatisation. The process should also be flexible and sensitive to meet the changing needs of victims and survivors. Participants highlighted the need for the availability of a holistic support package to allow processes to not only function effectively but move forward while ensuring that individuals are supported. Linked to this was the need for advocacy support, particularly for those requiring assistance with welfare changes.
58. The proposed Mental Trauma Service was noted in all workshops as a positive development in the terms of service delivery.
59. It was highlighted that services already being delivered need to be continued with a focus on accessibility. Accessibility and access to services was explained as being essential, particularly the need to ensure there is a neutral space and opportunities for individuals to engage outside of funded service deliverers.
60. Awareness of services was highlighted as an area that still required focus. Linked to this was eligibility for accessing services, with a number of members highlighting lack of support for different groups, such as siblings and the bereaved.
61. With regards to services there was broad recognition that provision needs to be victim-led and victim-centred.
62. The area of compensation, connected to awards made at the time of the incident, was highlighted as an area that has continues to cause frustration for many individuals. Specifically, this related to inadequate amounts, methods of calculation and the tight timeframes associated with making applications.
63. Proposals in relation to a pension for the severely injured was discussed in all four groups. There was acknowledgement that any pension provision should echo the Commission's advice and include psychological injury. Issues regarding eligibility were noted as areas that present challenges, particularly in relation to the possibility of former paramilitaries receiving support, ensuring victims and survivors outside of Northern Ireland are included and general administration processes. It was noted that this area is extremely sensitive and highly political and that any verification, adjudication or eligibility process needs to be tightly managed, ethical and as independent as possible.
64. Echoing similar conversations in the other workshops, it was highlighted that there needs to be an effort to ensure victims and survivors, and wider civic society, are informed regarding reparation proposals. This can be through consultation and media engagement.

5.0 Key issues and emerging themes

65. Feedback received from Forum members during the initial thoughts and aspirations session and the facilitated workshops has provided rich and content to inform the Commission on legacy matters.

66. Key issues and emerging themes that have been identified are summarised below:

Truth
<ul style="list-style-type: none">• Importance of facts;• Necessity to be realistic and manage expectations; and• Accountability.
Justice
<ul style="list-style-type: none">• Important to reflect on lessons learned;• Independence; and• Ensuring the right people, skills and experience is in place.
Acknowledgement
<ul style="list-style-type: none">• Participation of all involved in conflict-related incidents;• Individual and organisational responsibility;• Human Rights-based approaches; and• Ethical and safe.
Reparation
<ul style="list-style-type: none">• Needs have not been fully met;• Progression of a pension for the severely injured; and• Challenges regarding eligibility, knowledge and awareness of support.

67. The feedback from VSF members also highlighted common themes in relation to the SHA's legacy proposals and, generally, on issues connected to dealing with the past:

Overarching
<ul style="list-style-type: none">• A victim-centred and victim-led approach;• Ethical and safe;• The option for advocacy support;• Having the right people and skills;• Consideration of a Human Rights based approach;• Mindful of an ageing population;• The need for a better understanding of legacy proposals;• Realistic timescales for delivery; and• Managing expectations.

6.0 Recommendations for the Commissioner

68. Conversations with the Forum have always informed both the Commission and the Commissioner of the views, thoughts and experiences of individual victims and survivors. This in turn has enabled the Commission and the Commissioner to express these views to government and in the media in relation to legacy issues.

69. The Forum continues to be an important source for obtaining advice on how to manage sensitive issues that relate to victims and survivors regarding dealing with the past and the ongoing conversation in relation to the proposed legacy institutions.
70. After detailing and considering feedback from the Forum, the following areas for consideration are proposed:

Area	Recommendation
<p>Consultation VSF members made a clear expression that meaningful consultation will be essential in any forthcoming engagement on dealing with the past. With the VSF's advisory role the Commission should ensure the VSF is central to any consultative process.</p>	<p><i>Commissioner to ensure VSF is central to any consultation.</i></p>
<p>Political engagement VSF members registered an interest in engaging with the political parties in order to highlight victims and survivors issues. It was acknowledged this would be with the five main parties, with consideration to smaller parties.</p>	<p><i>Commission to explore options for engaging with political parties.</i></p>
<p>Key Guiding Principles for Dealing with the Past With regards to the discussions on dealing with the past, it was clear that the principles, as agreed by the previous Forum, are still appropriate and relevant. However, it is noted that areas such as the need to be victim-led, the importance of Human Rights and choice may warrant a refresh and development of the principles.</p>	<p><i>VSF to consider if principles require a refresh.</i></p>
<p>Advice on dealing with the past It needs to be noted that the Commission's advice, <i>Advice on Dealing with the Past: a Victim Centred Approach</i>, was submitted to Ministers in March 2014. Whilst the content was informed by significant engagement and consultation and is broadly reflected in the SHA proposals, it may be appropriate and timely to seek the views of the VSF regarding this advice. If new advice is required, this paper can be viewed as the beginning of policy advice under development.</p>	<p><i>VSF to consider if the 2014 advice is still appropriate.</i></p>

7.0 Conclusions

71. The discussions on dealing with the past has provided the Commission with a broad range of views from the new Forum at its first full meeting.
72. The feedback received has provided perspectives from the Forum on current issues affecting victims and survivors:
- Lack of progress regarding dealing with the past;
 - The need for implementation of mechanisms to deal with the past;
 - The interconnectedness of truth, justice, acknowledgment and reparation;
 - The need to look at a pension for the severely injured;
 - Necessity for appropriate services; and
 - The ongoing impact of legacy on young people and wider society.
73. As highlighted by Forum members, difficulties in dealing with the legacy of the past should not overshadow the pursuit to move forward and support the many and varied needs of victims and survivors.

Appendix A

Overview of Stormont House Agreement Proposed Legacy Mechanisms

This table provides a brief overview of proposals contained within 'The Past' (paragraphs 21-55) sections of the Stormont House Agreement (reached by the parties on 23 December 2014).

Proposal	Overview
Factual historical timeline	<ul style="list-style-type: none"> • Academic-led statistical analysis of the Troubles/conflict.
Independent Commission on Information Retrieval	<ul style="list-style-type: none"> • Enable private retrieval of information; • Operates in UK and Republic of Ireland; • Given immunities/privileges of an international body; • Run no longer than 5 years.
Historical Investigations Unit	<ul style="list-style-type: none"> • Independent body to investigate outstanding deaths; • Take forward Historical Enquires Team and Police Ombudsman cases; • Report produced for each case; • Dedicated family support staff; • Prosecutions matter for Director Public Prosecutions; • Overseen by Policing Board; • Aims to complete work within 5 years.
Advocate-counsellor	<ul style="list-style-type: none"> • Access to service if needed.
Implementation and Reconciliation Group	<ul style="list-style-type: none"> • Oversee themes/archives/information recovery; • Academic report after 5 years; • UK and Irish governments consider statements of acknowledgements; • Recognition outstanding investigations/allegations.
Oral History Archive	<ul style="list-style-type: none"> • Central place for people to share experiences and narratives; • New stories and existing oral history projects; • Sharing experiences is voluntary.
Mental Trauma Service	<ul style="list-style-type: none"> • Operate within NHS; • Work closely with VSS and other organisations/groups.
Pension for the severely physically injured	<ul style="list-style-type: none"> • 'Further work' to be undertaken to seek 'acceptable way forward'; • Note: refers to 'physically' only.
High quality services	<ul style="list-style-type: none"> • Access to high quality services; • Respecting choice and need; • Needs of victims outside Northern Ireland.

Colour key (to inform group discussions): **Truth**; **Justice**; **Acknowledgement**; **Reparation**

Annex 3



NIO legacy consultation proposals – comparison and notes consideration

Area (as detailed by NIO)	NIO proposals (detail from email issued to JT on 28.08.17)	CVS proposals (advice communicated during engagements with the NIO on 10.05.17 and SoS on 19.07.17)	Comments
Timing	<ul style="list-style-type: none"> Recognised summer consultation not ideal; Suggesting launch soon after political talks conclude; Intend to run consultation for a period of 12-14 weeks. 	<ul style="list-style-type: none"> Advised against summer consultation; Suggested 12 week statutory period may be ambitious for a meaningful/wide-ranging consultation; Requested draft legislation in advance of consultation (independent view/preparation/informed position). 	<ul style="list-style-type: none"> 14 week consultation preferable; Sharing draft legislation prior to launch remains key.
Coverage	<ul style="list-style-type: none"> Published on gov.uk website; Consultation documents available in other formats (including hard copy) and easy read version; Intend to invite views from all interested parties, individuals and groups; Propose to ask groups to raise awareness of the consultation with those they support, and encourage them to respond; VSS offered to contact those on their database to alert them to the consultation; Intend to make use of media and parliamentary announcements to reach out to the wider public. 	<ul style="list-style-type: none"> Advised of the need for a user-friendly/accessible guides and infographics; Advised education/information for media outlets at an early stage; Explained the merits of independent advice on consultation approaches (i.e. Consultation Institute, for example). 	<ul style="list-style-type: none"> Concerns regarding promotion (i.e.: online-led/accessibility/awareness); Process needs to be mindful of ageing population of victims and survivors; May be a disconnect with engaging with those not connected to groups and the wider public.

<p>Information Events</p>	<ul style="list-style-type: none"> • Some advocacy groups offered to host information events. Events intended to offer appropriate levels of wellbeing support; • Information events will be held throughout NI; • Propose to hold information events in GB; • In advance of events for advocacy group members, officials would offer to engage with the Committee/Board/key representatives to explain the proposals/draft legislation and aid understanding; • Aim of all engagements would be to explain the proposals, answer questions and to encourage responses; • At the advocacy group's invitation, officials could attend information events to help explain the proposals, if considered helpful; • No plan to hold open public forum events as feedback suggests they do not offer victims the appropriate level of support and risk re-traumatising victims; • Propose to engage with other interested groups such as organisations supporting serving/retired police officers and their families, and veterans organisations both in NI and GB; 	<ul style="list-style-type: none"> • Advised there is a lack of knowledge of proposals (reliance on information in media and some advocacy service deliverers); • Advised that all legacy proposals need to be explained (focus tends to be on HIU); • Highlighted risks attached to large public events and need to manage accordingly; • Need to engage with groups/organisations (acknowledging engaging with advocacy-focused service deliverers as a priority); • Importance of direct consultation with individuals; • Suggested regional information events; • Efforts to engage with individuals/groups in GB and RoI; • NIO needs to engage separately with VSF; • Offered to launch consultation at a CVS conference (with SoS formally launching process); • The need for a detailed engagement plan to be shared with all identified stakeholders. 	<ul style="list-style-type: none"> • VSF central to consultation; • CVS keen to assist with promoting the consultation widely; • References to GB engagement appear to be insufficient (geography; hidden victims; existing low levels of knowledge); • Whilst it is a UK Gov-led consultation, there needs to be RoI consideration; • Are all advocacy organisations engaged in the process (i.e. gaps)?
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	<ul style="list-style-type: none"> Proposing information events would take place within 4-6 weeks of consultation launch. 		
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Other areas

The NIO's proposals highlight a number of other key areas for the Commission:

- CVS is committed to 'co-design and collaboration' as per the **Forum's** Key Guiding Principles on Dealing with the Past (the NIO's proposed consultation approach may not facilitate a fully victim-centered approach). A Collaborative Design approach to consultation could be suggested. Key partners would include DoJ; PSNI; OPONI; LCJ; DPP; PRONI; DFA;
- Heavy focus on justice processes (may lead to an information gap on IRG, ICIR, OHA, MTS and a pension for the severely injured proposals);
- No specific mention of the VSF;
- Jurisdictional issues remain – GB commitment welcomed but may not be sufficient. Whilst it is a UK Gov-led consultation, there needs to be RoI consideration (i.e.: RoI based individuals and legacy mechanisms that have cross-border elements);
- Role of academics important and should be utilised (as per SHA);
- MoD engagement (on a practical level – i.e.: Policy and Legacy Branch);
- Political discussions will engage with the 5 main parties (gap in terms of engaging with loyalism – previously raised by VSF members);
- Consideration of engagement with the ex-prisoners community;
- Highlighting the importance of civic engagement/impact vs victims and survivors (this is a 'whole society' issue);
- Ongoing media narrative in/around former service personnel/prosecutions unhelpful, making consultation challenging;
- Plans regarding the post consultation period (ensuring papers are published, including detail on consultee responses).

CVS impact

Any proposed consultation will have impact upon CVS:

- Commissioner's time (engagement; media; advice)
- Research and Policy Team resource (engagement; consultation process; assisting the Commissioner; seminars; potential conference; drafting advice);
- Communications and Engagement Team resource (communications; key messages; **Forum's** potential role).

Key areas to emphasize when responding to the NIO (and for **Forum** consideration)

- Commissioner's role in advising the SoS;
- Supportive of the mechanisms contained in the SHA;

- The need for co-design and collaboration;
- Key role of the **Forum** (legal; individual perspective; advising the Commissioner);
- Lack of information/popular narratives;
- The need to treat all mechanisms equally (i.e.: there is a focus on justice);
- Necessity to engage with individuals, service deliverers/groups and wider society;
- Recognition of jurisdictional issues (GB and Rol).

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Annex 4

Forum feedback

REVIEW OF DEFENCE COMMITTEE'S REPORT ON INVESTIGATIONS INTO FATALITIES IN NORTHERN IRELAND INVOLVING BRITISH MILITARY PERSONNEL (PUBLISHED ON 26 APRIL 2017)

- 8 responses received (5 explicitly not supportive; 2 understanding/concerns; 1 supportive).
- Areas highlighted (brief summary):
 - Sounds like an 'amnesty' available to those employed by the state;
 - Likelihood of prosecutions slim, in general;
 - Outside the realms of SHA;
 - Concerns over past Army investigations;
 - Lack contextual analysis/accuracy/independence of report.

Annex 5

Outcomes from the CVSNI Outcome Delivery Plan 2017-18

1. Improved health and wellbeing of victims and survivors
1.1 Forum contribution to improved health & wellbeing
1.2 Mental Health Research Project
1.3 Attitudinal Survey
1.4 Commission contributes to developing new Mental Health Trauma Service
1.5 Communications and Engagement
2. Victims and Survivors and those most in need are helped and cared for
2.1 Forum contribution to helping those most in need
2.2 Monitoring and Reporting on Services
2.3 Communications & Engagement
3. Victims and Survivors and their families are supported to engage in legacy issues
3.1 Forum contribution to Legacy issues
3.2 Attitudinal Survey
3.3 Commission reviews progress with the implementation of new Legacy institutions
3.4 Dealing with the Past Advice
3.5 Advocacy Research Project
3.6 Communications and Engagement
4. Children and grandchildren of victims and survivors are given the best start in life
4.1 Forum contribution to transgenerational issues
4.2 Trans-generational Legacy and Young People Research Project
4.3 Implementation of the Building For the Future Action Plan
4.4 Communications and Engagement
5. Improved access to opportunities for learning and development
5.1 Standards
5.2 International Learning and Development
6. We are an effective and efficient organisation
6.1 Manage, monitor and report on the budget, lay and publish Annual Report and Accounts, contract and asset management and manage budgetary constraints
6.2 Admin support to meet all health and safety requirements, HR services and recruitment and policy screening, annual reviews/ Progress Reports
6.3 Secretariat support to the ARAC, monitor and develop business plans, implement and monitor Corporate Plan and process departmental returns
6.4 Representation at Committee Meetings
6.5 To maintain Risk Register, review and update corporate governance and risk management procedures and maintain Register of Interests
6.6 Management of the Forum
6.7 Delivery and Review of the Communications Strategy
6.8 External Review of the Commission
6.9 Consultations