

COMMISSION FOR VICTIMS AND SURVIVORS RESPONSE TO THE NORTHERN IRELAND AFFAIRS COMMITTEE CONSULTATION ON STORMONT HOUSE AGREEMENT INQUIRY

1. Background

1.1 The Commission for Victims and Survivors for Northern Ireland (the Commission) was established in June 2008 under the Victims and Survivors (Northern Ireland) Order 2006, as amended by the Commission for Victims and Survivors Act (2008).

1.2 The Commission is a Non-Departmental Public Body of the Executive Office. The principal aim of the Commission is to promote awareness of the interests of victims and survivors of the conflict. It has a number of statutory duties that include:

- Promoting an awareness of matters relating to the interests of victims and survivors and of the need to safeguard those interests;
- Keeping under review the adequacy and effectiveness of law and practice affecting the interests of victims and survivors;
- Keeping under review the adequacy and effectiveness of services provided for the victims and survivors by bodies or persons;
- Advising the Secretary of State, the Executive Committee of the Assembly and any Body or person providing services for victims and survivors on matters concerning the interests of victims and survivors;
- Ensuring that the views of victims and survivors are sought concerning the exercise of the Commission's functions; and
- Making arrangements for a forum for consultation and discussion with victims and survivors.¹

1.3 Dealing with the legacy of the past is a complex and multi-faceted subject for victims and survivors. As a minimum, victims and survivors expect that any process is victim-centred. This means addressing issues from a victim's perspective and focussing on what victims and survivors want to see implemented.

¹ The functions of the Commission relate to those set out in the Victims and Survivors (Northern Ireland) Order 2006 as amended by the Commission for Victims and Survivors Act (Northern Ireland) 2008.

- 1.4 It is the Commission's view, that when dealing with the past, there are four areas that need to be addressed, namely: Acknowledgement; Truth; Justice; Reparation. In 2014 our advice to Government we set out advice in each of these areas in order to address the needs of victims and survivors.²
- 1.5 The Commission believes that the legacy mechanisms, as detailed in the Stormont House Agreement, represents the best opportunity to provide individuals and families with processes to address legacy-related issues. This position was articulated to the NIAC during the Commissioner's appearance on 20 April 2016.
- 1.6 The Commission welcomes the opportunity to provide a response to the Northern Ireland Affairs Committee's Consultation on the Stormont House Agreement Inquiry.
- 1.7 The Commission welcomes the NIAC's continued interest in legacy-related matters and appreciates the opportunity to provide political representatives with an insight into our perspective on the Addressing the Legacy of Northern Ireland's Past consultation.

2. The Consultation Process

- 2.1 Since October 2017, the Commissioner and the Victims and Survivors Forum have met with the five main political parties in Northern Ireland, the British Government and the Irish Government to impress the importance of launching a consultation on the proposed legacy mechanisms detailed in the Stormont House Agreement.
- 2.2 The Commission therefore publically welcomed the opening of the Northern Ireland Office's consultation on 11 May 2018.
- 2.3 It is the Commission's view that the consultation process should be accessible and engaging. Considering the range of proposed mechanisms, it is essential that there is an opportunity for individuals to understand the proposals in order to arrive at an informed position on each. It is the Commission's view that this is best facilitated through the provision and wide dissemination of information and through interactive consultation workshops.

² CVSNI (2014) *Advice on Dealing with the Past: A Victim Centred Approach*, 27 March 2014, Commission for Victims and Survivors Northern Ireland.

- 2.4 Considering the volume of information on each legacy mechanism coupled with the draft legislation, it is essential that there is sufficient time for understanding and discussion. Whilst the Commission welcomes the consultation's publication, we would be concerned that the timeframe may not be sufficient, particularly due pressures during the summer period.
- 2.5 The Commission has engaged with the NIO on a number of occasions to advise on how best to engage with individuals and stakeholders with an interest in legacy issues. The Commission would like to acknowledge the NIO's willingness to engage with us and our partners, prior to the opening of the consultation process and on an ongoing basis.
- 2.6 Whilst the consultation is an NIO-led process, the Commission will be working with our partners in the Victims and Survivors Service and the Executive Office in order to engage with victims and survivors and those that represent them. This engagement will be used to inform our response.
- 2.7 The Government has an obligation to ensure that knowledge and awareness of the consultation, and opportunities to engage with it, are as equitable as possible, regardless of location. Whilst the vast majority of conflict-related incidents took place in Northern Ireland, a number of incidents occurred in other locations; particularly in Great Britain and the Republic of Ireland.
- 2.8 Whilst many victims and survivors will understand the proposals contained in the consultation, either independently or with assistance from representative bodies or funded advocacy support, for those not engaged in dialogue on legacy-related matters or connected with support services, the ability to understand the proposals may be restricted.
- 2.9 Therefore, the Commission is concerned that knowledge of the consultation and opportunities to engage with the process, in comparison to those residing in Northern Ireland, is limited. This may result in little or no engagement or a reliance on media narratives, which may not facilitate a comprehensive understanding of the proposals. It is therefore vital that efforts are made to engage with those from outside Northern Ireland and ensure that their voices are heard during this consultation process.

3. Outside the Consultation's Scope

- 3.1 The Commission notes that there are a number of proposals, agreed during the Stormont House Agreement, not included in the consultation.
- 3.2 The Commission understands that the Government's position is that these legacy areas are the responsibility of the Northern Ireland Executive. Whilst the Commission acknowledges that an Executive is the most appropriate environment to proceed, the lack of devolved arrangements means that these matters will not be addressed anytime soon.
- 3.3 It is the Commission's position that a pension for the severely injured should now be progressed through consultation and legislation through Westminster.³ It is well recognised that compensation payments made during the Troubles did not meet the needs of many victims and survivors.⁴ The loss of income, loss of pension provision, the extra costs of disability and dependency and the cost of building and maintaining social support and resilience as a consequence of injury or bereavement continues to impact upon many victims and survivors. Recognising the profound financial impact of conflict-related incidents, the Commission has submitted advice to Government in relation to a pension for those who were seriously injured during the conflict.⁵ This reparation proposal remains a priority for the Commission and we continue to call for its implementation as a matter of urgency.
- 3.4 In relation to the reference to the Mental Trauma Service, it should be acknowledged that progress has already been made. The Department of Health announced in September 2015 it would establish a world leading mental health service to provide high quality effective treatment for people experiencing trauma-related mental health problems. This was a recognition of the value of partnership approaches to service delivery and collaborative working. The commitment was also an acknowledgement of significant mental health problems as a result of the Troubles.⁶

³ It needs to be highlighted that the Stormont House Agreement referred to a pension for "severely physical injured" victims. The Commission's position is that any pension arrangement should apply to physical and/or psychological injury as detailed in our advice to Government in June 2014.

⁴ CVSNI (2011) *Analytical Review of Compensation*, Commission for Victims and Survivors Northern Ireland.

⁵ CVSNI (2014) *A Pension for people severely injured in the Troubles*, Commission Advice Paper, 11th June 2014, Commission for Victims and Survivors Northern Ireland.

⁶ Referring to the Commission's research, Minister Simon Hamilton MLA said: "The 2015 report, 'Towards A Better Future: The Trans-generational Impact of the Troubles on Mental Health' found that over 213,000 people in Northern Ireland are experiencing significant mental health problems as a result of the Troubles... I want to comprehensively address the legacy of the Troubles and address unmet mental health needs. This new service will improve individual, family and community experience of mental health trauma care; it will improve the psychological and social outcomes for individuals, their families and

- 3.5 The Regional Trauma Network is currently in development with work commenced between Department of Health, the Executive Office, the five Health and Social Care Trusts, representatives from academia, the Victims and Survivors Service and the Commission. This collaborative, cross sectoral partnership arrangement presents the opportunity to provide the required resources, expertise and capacity to effectively address the mental health legacy of the conflict.
- 3.6 The Commission acknowledges the exclusion of alternative approaches to dealing with the past. It is the Commission's view that alternative approaches, such as the introduction of a statute of limitations as suggested by the Defence Committee Report on *Investigations into Fatalities in Northern Ireland Involving British Military Personnel* in April 2017, would not be appropriate or effective mechanism for victims and survivors.

4. Conclusion

- 4.1 The Commission welcomes the opportunity to submit this response to the Northern Ireland Affairs Committee's inquiry into the scope of the Government's consultation to ensure that it meets the needs of victims and survivors.
- 4.2 It is the Commission's view that the consultation process should be accessible and engaging. Considering the range of proposed mechanisms, it is essential that there is an opportunity for individuals to understand the proposals in order to arrive at an informed position on each mechanism.
- 4.3 In order to inform our response we will seeking the views of the Victims and Survivors Forum, engaging with victims and survivors and their representatives and other interested stakeholders.
- 4.4 The Commission will continue to encourage victims and survivors, and the wider public, to read and consider the Government's proposals and give an informed response to the consultation.

June 2018