



**NI Affairs Committee Inquiry into the UK
Government's new approach to
addressing the legacy of the past in
Northern Ireland**

**Response from the Commission for
Victims and Survivors (CVS)**

February 2025

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Introduction

1. CVS welcomes the opportunity to respond to the call for written evidence as part of the Northern Ireland Affairs Committee (NIAC) Inquiry to examine the UK Government's new approach to legacy issues in Northern Ireland (NI). It is timely that the focus of the Committee's Inquiry is asking the central question about whether the Labour Government's new approach meets the needs of victims, survivors and their families in addressing the legacy of the Troubles/conflict. Equally, it is helpful to consider the next steps the new Government should take to implement a series of measures that will unlike the previous Conservative administration command much higher levels of public confidence among victims and survivors in Northern Ireland and across these islands.
2. In drafting this response CVS have engaged the views of members of the Victims and Survivors Forum (the Forum).¹ Appointed by previous Commissioners for Victims and Survivors as per the legal duty contained in The Victims and Survivors (Northern Ireland) Order 2006, the Forum members come from a diverse range of backgrounds with different beliefs, views and opinions but whose lives have been impacted by their experiences of the Troubles/conflict. In the past year, Forum members have received briefings from multiple stakeholders involved in the legacy discussions and how it has been profoundly affected by the implementation of the NI Troubles (Legacy and Reconciliation) Act 2023 (Legacy Act 2023). The Forum shares different views on the Legacy Act 2023, however, there is unanimity among members that a comprehensive overhaul of the current legislative framework is required underpinned by the six key principles contained in the 2014 Stormont House Agreement (SHA).²
3. This response will consider the central question of the Inquiry related to whether the Labour Government's new approach meets the needs of victims, survivors and their families in addressing the legacy of the Troubles/conflict. It will also consider several of the 'next steps' that the UK Government should take to address issues negatively impacting the current legacy mechanisms and processes linked to the Legacy Act 2023.

Background

4. In January 2023 CVS issued a paper on the Legacy Bill highlighting that the legislation was 'fundamentally flawed' and not victim and survivor centred.³ A number of recommendations were put forward by CVS including the removal of Clause 39 that would have ensured that Legacy Inquests would not have ended while the paper also called for greater input from the Irish Government. Regrettably, these

¹ Further information on the members of the Victims and Survivors Forum can be found here: [The Victims and Survivors Forum - Commission for Victims & Survivors](#)

² Northern Ireland Office (2014) Stormont House Agreement, NIO: 5.

³ CVS (2023) *Northern Ireland Troubles (Legacy and Reconciliation) Bill 2022*, CVS: 2.

recommendations were ignored by the Conservative government resulting in the imposition of a bad piece of legislation that has caused unnecessary distress and anguish for many victims and their families. Meanwhile, the new Victims and Survivors Strategy that was published by the Executive Office in October 2024 highlight how the Legacy Act 'is having a negative impact on victims and survivors'.⁴ Subsequently, many of the organisations funded to support victims and survivors including those providing advocacy support have called for substantive reform of the Legacy Act including root and branches changes to the ICIR.

5. Under this new Labour Government it was encouraging that the Prime Minister and Secretary of State for Northern Ireland (SoSNI) outlined in the Kings Speech on 17 July 2024 to renew their commitment to introduce measures 'to begin the process of repealing and replacing the NI Troubles (Legacy and Reconciliation) Act 2023, in consultation with all parties.'⁵
6. CVS have conducted three population surveys in recent years that have provided important insight into a range of issues affecting the wellbeing of victims and survivors and those linked to the legacy of the Troubles/conflict. In the context of the enactment of the Legacy Act 2023, the surveys have indicated strong support among the adult populations of NI, Great Britain (GB) and the Republic of Ireland (RoI) to address the legacy of the past generally and acknowledge there is lasting impact within the respective jurisdictions. On average around 80% of the populations in NI, the RoI and GB said that it was important to address the legacy of the Troubles/conflict within their jurisdiction.⁶ When we consider that these surveys were conducted around the 25th anniversary of the Belfast/Good Friday Agreement and around three decades after the first ceasefires in the mid-1990s and almost a decade since the Stormont House Agreement, the majority of adults across these islands have expressed the view that all parties including the UK and Irish Governments must continue to work to effectively address the legacy of the past.
7. In the CVS response to the NI Executive's Programme for Government 2024-27 consultation in November 2024 we highlighted several points and recommendations that are pertinent to this Inquiry. CVS recommended the importance to the NI Executive of introducing an outcome focussed on addressing the legacy of our troubled past. We contended that in establishing this outcome it would recommit different government departments to supporting the needs of victims and survivors while encouraging collective efforts to address outstanding legacy issues including the ongoing threat of paramilitarism. Importantly, we argued that it would also realign a constructive relationship between the NI Executive and both the UK and Irish

⁴ TEO (2024) *Strategy for Victims and Survivors of the Troubles/Conflict 2024-34*: 19. Strategy is accessible here: <https://bit.ly/4jzwcab>

⁵ NIO (2024) *Statement from the Secretary of State following the King's Speech*, NIO: <https://bit.ly/4jltzys>

⁶ Links to the survey are here: NI: <https://bit.ly/3yPJ7lJ>; RoI: <https://bit.ly/4bROb7y>; GB: <https://bit.ly/4g1Fp8L>

Governments that would ensure the needs of victims and survivors across these islands are properly acknowledged and responded to.⁷ We will return to the imperative of reestablishing a strong and enduring relationship of the UK Government and Irish Government as a central element in addressing the legacy of the Troubles/conflict later in this submission.

Restoration of effective Troubles-related inquests and civil actions

8. While CVS welcomes the current measures announced by the SoSNI to reinstate both civil proceedings relating to Troubles-related incidents as well as legacy inquests we are concerned at the significant delay in completing these processes. Given the ban on civil actions came into force in May 2023 their reinstatement may well be some months away if not longer. Meanwhile, the restoration of legacy inquests requiring the introduction of primary legislation bound up with other significant legislative amendments including to the Independent Commission for Reconciliation and Information Recovery (ICRIR) will result in potential substantive delays for many victims and their families.
9. CVS welcomes the SoSNI's introduction of a proposed draft Remedial Order that seeks to remedy some, but not all incompatibilities found by the NI Courts relating to the Legacy Act including the strongly opposed conditional immunity scheme as well as removing the ban on civil actions. The imposition of the Legacy Act resulted in around 38 uncompleted conflict-related inquests being halted involving the deaths of multiple individuals from events spanning the decades of the Troubles. This decision has caused significant turmoil and upheaval across generations of many families in Northern Ireland while now they wait to hear when these long-awaited investigations into the death of their loved ones can proceed.
10. Given the September 2024 Court of Appeal judgement relating to inquests and the SoSNI decision to introduce new legislation to reinstate these legacy investigations it is unclear why they cannot be processed through the Remedial Order. Given the ongoing work of the Joint Committee on Human Rights to scrutinise the Legacy Act (Remedial) Order 2024⁸ the UK Government should provide clarity around their decision not to include the restoration of inquests alongside the reintroduction of civil actions into the Remedial Order. Further, if the decision is maintained to restore legacy inquests through the enactment of primary legislation, a clear set of communications should be provided to families on the likely timeframe for their reintroduction and plan for each individual case.

⁷ CVS (2024) *Draft Programme for Government 2024-27 – Consultation Response*, CVS, November.

⁸ UK Parliament (2024) *Human Rights Committee launches inquiry into Northern Ireland Troubles Act remedial order*, 12th December: <https://bit.ly/4hIRy9Y>

Reforming the ICRIR

11. Since the publication of the Legacy Bill in 2022 and since becoming law the following year CVS through the previous Commissioner Ian Jeffers have adopted a pragmatic, proactive and consultative role when engaging with government representatives, victims groups and officials from the ICRIR. Our position has held that the Legacy Act is and remains a deeply flawed piece of legislation that may prove to be irretrievably reformable resulting in many victims and survivors feeling let down and betrayed by government and our elected representatives. While we welcome the commitment of the new Labour government to repeal and replace parts of the Legacy Act that has begun with the recent introduction of the Remedial Order, there is deep concern and uncertainty related to the timeframe of legislative changes and the eventual outcomes for victims and their families.
12. CVS has engaged with the ICRIR, offering advice and recommendations for best practice and a victim-centred and trauma-informed approach. This advice has been supported and added to by the Forum, whose recommendations we have also passed on for consideration. Additionally, CVS have held meetings with staff from the ICRIR to discuss recommendations and facilitated discussions with the Forum.
13. Forum members have different views on the ICRIR ranging from calls for it to be completely replaced to substantive reform. Among all members there is a feeling of disappointment, dismay and profound regret around the inauspicious and controversial inception of this new legacy body.
14. In recent months the SoSNI has consistently referenced the need to ensure that the success and effectiveness of the ICRIR will be judged on the levels of confidence among victims and their families to engage with the organisation. On 4th December 2024 the SoSNI stated that *'the confidence of families in [the ICRIR's] work is paramount'* necessitating the need for further changes to *'strengthen the Commission's independence, powers and accountability.'*⁹
15. At the time of writing the ICRIR has been in operation for 9 months. According to the organisation 'as of 9 December 2024, 120 people have come forward and started an investigation with the Commission...with 24 of these individuals moving into the Information Recovery stage of the process.'¹⁰ It is important to acknowledge the investigative and information recovery work currently being conducted by the ICRIR including supporting those individuals and families who have decided to engage with the Commission through difficult and emotionally challenging processes. It is however evident that a substantive number of victims and survivors are currently deciding not

⁹ NIO (2024) *Oral Statement to Parliament – Secretary of State Oral Statement on Northern Ireland Legacy*, 4th December.

¹⁰ [ICRIR is focused on delivering “the unvarnished truth” as it enters next phase of its work - Independent Commission for Reconciliation & Information Recovery](#)

to engage with the body which is concerning and reflective of the uncertainty and lack of confidence in the wider legacy mechanisms and processes.

16. Critics of the ICIR including the Irish Government have called for ‘a root and branch reform of the legacy body’ with the former Tánaiste (now Taoiseach) Micheál Martin highlighting the recognition by both governments of the need for substantive reform with a focus on ensuring European Convention on Human Rights (ECHR) compliance and a genuine need to regain public trust.¹¹ Meanwhile the NI Human Rights Commission (NIHRC) have consistently advised that neither the Legacy Bill or Act are human rights compliant, or victims centred. In their 2022 paper, the NIHRC highlighted that the proposed legislation rendered the ICIR incapable of discharging the UK State’s obligation to undertake investigations that are in line with the rule of law, ensure accountability and provide an effective remedy.¹² This position was reaffirmed by the NIHRC in their recent submission to the UK Parliament’s Joint Committee on Human Rights where they stated that the ICIR is not sufficiently independent or impartial. They highlighted that they remain significantly concerned on the independence of the legacy body and its ability to conduct ECHR Article 2 and 3 Troubles investigations.¹³
17. During recent discussions with the Forum, the NIHRC stated that they retain the view that the ICIR is not sufficiently independent or impartial and that further measures are required to ensure Troubles investigations conducted by the new legacy body are ECHR compliant.
18. CVS advice and recommendations have consistently addressed several themes and issues to be assessed in the NIAC inquiry, including advice on: how to strengthen the independence, powers and accountability of the ICIR; building trust; the issue of reconciliation; ensuring credible information disclosure and recovery; and family engagement in cases.
19. The issue of information disclosure and ICIR powers to compel disclosure is important to address. This is an issue that has been raised by several experienced and eminent individuals on the subject, including Baroness O’Loan and PSNI Chief Constable Jon Boutcher, who have argued that the current legislative framing creates the potential for non-disclosure and avoidance of cooperation, including for reasons of national security. If the UK Government aims to ensure that the ICIR has full powers to compel information disclosure, we welcome its consideration of revising the legislation and

¹¹ Oireachtas (2024) *Tánaiste and Minister for Foreign Affairs Micheál Martin response to Parliamentary Question*, 9 October: <https://bit.ly/4jEPU4K>

¹² NI Human Rights Commission (2022) *Advice on the NI Troubles (Legacy and Reconciliation) Bill*, NIHRC, September: 13.

¹³ NI Human Rights Commission (2025) *Submission to the House of Commons and House of Lords Joint Committee on Human Rights: Remedial Order to the NI Troubles (Legacy and Reconciliation) Act 2023*, NIHRC, January: 4.

suggest consideration is given to framing closer to the Historical Investigation Unit (HIU) presented in the Stormont House Agreement, which contained provisions for such concerns but compelled full disclosure. In doing so, the Government could increase the powers and levels of independence of the ICIR.

20. Setting aside the likely timeframe for the implementation of the legislative reform process of the Legacy Act by the UK Government, it remains unclear the extent to which the SoSNI will accept and positively respond to the recommendations proposed by opponents of the ICIR. The Committee on the Administration of Justice (CAJ) Report published in November 2024 highlighted several significant areas of substantive reform that would be required to restore public confidence in the ICIR. These include major adjustments to the existing operating legal framework to allow for robust powers of disclosure free from the ‘national security veto.’¹⁴ Other important recommendations include the following:

- implementation of a substantive and meaningful ‘root and branch reform process’ to produce an entirely distinct institution to the ICIR with a different name, leadership and legal framework;
- implementation of a Stormont House Agreement + approach that would provide for an HIU (Historical Investigation Unit), continuation of civil proceedings and inquests as well as the creation of a separate cross-border information recovery body – the ICIR¹⁵ based on an existing draft implementation treaty by both the UK and Irish Governments.
- reform to the ICIR legislative framework that would ensure a reformed legacy body has a robust and unambiguous power of disclosure including relevant sanction *and* remove any sort of ‘national security veto’ in a reformed legacy body as a necessary requirement for humans’ right compliance and to gain public confidence.
- the legislative framework for the investigative body should be codified to ensure that when the investigative threshold is met and powers of investigation are used, then the legacy body should be legally obliged to ensure that its investigations meet the requirements of ECHR Articles 2 & 3.
- the reformed legacy body should have financial autonomy and independent oversight structures.¹⁶

21. The measures introduced by the UK Government in the months ahead to address issues of ICIR independence and the powers of the Secretary of State to veto the disclosure

¹⁴ CAJ (2024) *What could substantive ‘root and branch’ reform of the ICIR look like? and would it be enough?*, CAJ.

¹⁵ Independent Commission on Information Retrieval.

¹⁶ CAJ (2024) *What could substantive ‘root and branch’ reform of the ICIR look like? and would it be enough?*, CAJ: 7-11.

of sensitive information to families provides a litmus test for the new Labour administration's willingness to overhaul the Legacy Act and enhance the powers and credibility of the Commission. The CAJ report recommendations certainly provide an opportunity to address issues of independence and enhance powers of an investigatory body through the removal of any sort of 'national security veto'. Revisiting the draft Stormont House Agreement bill would provide the UK Government with strong guidelines for a credible approach to information recovery and disclosure, accountability, and for engaging with and supporting families and appropriate participation of next of kin in cases, which were endorsed by most political parties in Northern Ireland.

22. Currently with low levels of support and confidence in the ICIR and the Legacy Act's closing down of the previous legacy mechanisms victims and their families searching for truth, justice and accountability have been left with very few options. With the ending of the previous 'package of measures' 38 legacy inquests were curtailed, 335 Police Ombudsman investigations ended, many hundreds of civil court cases outstanding and the suspension of PSNI Legacy investigations.¹⁷ At this juncture, it is imperative that the UK Government, in its commitment to consult with all parties provides further details of the measures that will be introduced in new primary legislation and the likely timeframe for becoming law.

Building Trust

23. CVS recognises that building trust has been a significant challenge for the ICIR and its Commissioners for numerous reasons. Both CVS and the Forum have advised the ICIR on ways to address this. A primary way in which the UK Government can build trust across Northern Ireland in relation to conflict legacy issues is through direct, clear communications. Clear communication is a fundamental component of transparency and accountability and therefore, building trust in the government and institutions. Unclear communications, a heavy use of jargon or technical/legalistic language have previously been viewed as unhelpful and a barrier to engagement and trust.
24. A repeated point raised by the Forum to the ICIR has been that direct, clear communications – even of painful or uncomfortable news – is preferable to indirect, ambiguous communication. We would support a communicative approach that is victim-centred, trauma-informed and unambiguous when dealing with legacy issues from both the UK Government and the ICIR as an effective way to build trust with victims, survivors and the wider public.

¹⁷ CAJ (2024) *What could substantive 'root and branch' reform of the ICIR look like? and would it be enough?*, CAJ: 6.

Reconciliation

25. CVS has undertaken research on the concept of reconciliation and has advised the ICIR on this point several times previously. If the UK Government aims to facilitate an effective process of reconciliation, including through the retained institution of the ICIR, then it is imperative that the concept is carefully considered, defined and accompanied with a clear roadmap supporting measurable progress in the years ahead.
26. A significant challenge to building trust in the ICIR has been the reluctance of its Commissioners to define the concept, arguing that it is not their responsibility alone, but simultaneously retaining reconciliation as one of the primary objectives of the ICIR's work. Not only does this make reconciliation difficult to achieve or measure, but its inclusion has been perceived by some as tokenistic, cynical or insincere.¹⁸ Therefore, more careful consideration of what reconciliation means within the wider legacy context in Northern Ireland is critical, informed by international learning from other contexts of transitional justice. Importantly, it is imperative that in line with the recent Appeal Court judgement that while advancing peace and reconciliation is an entirely legitimate aim *'the aim can realistically only be achieved upon consultation and with a degree of buy-in from all those affected.'*¹⁹ We would endorse the Government's continued engagement with CVS, the Forum, victims and survivors' groups and wider stakeholders in this endeavour to ensure a victim centred approach.

Irish Government and Legacy Plan

27. In his Ministerial Statement on 18th January 2025 the SoSNI commented that *'the complexity and sensitivity of dealing with the legacy of the past means trying to build as broad a consensus as possible – as envisaged in the Stormont House Agreement. I am determined – with the help of all interested parties, including the Irish Government – to achieve this.'*²⁰
28. In the recently published draft Programme for Government 2025 by the incoming Fianna Fáil and Fine Gael coalition administration there is a renewed commitment with the UK Government to *'develop a fit-for-purpose mechanism to seek truth and justice for victims and their families.'* There is also a related commitment by the Irish Government to *'play our full part in legacy processes and address the legacy of the conflict in this jurisdiction, including facilitating and supporting the Omagh Inquiry.'*²¹

¹⁸ Bryson, A and Mallinder, L (2024) *Reconciliation and the Northern Ireland Legacy Act: A Human Rights Perspective – Part 2*, May.

¹⁹ Cited from CAJ (2024) *What could substantive 'root and branch' reform of the ICIR look like? and would it be enough?*, CAJ: 98

²⁰ NIO (2025) *Oral Statement to Parliament – Secretary of State Oral Statement on Northern Ireland Legacy*, 18th January.

²¹ (2025) *Draft Programme for Government – Securing Ireland's Future*: 143.

29. The SoSNI statement and draft Programme for Government commitment reflect an intention to support a renewed bi-lateral approach to supporting agreed legacy processes and mechanisms that are more aligned to the Stormont House Agreement principles. It is important that we begin to see the practical outworkings of this renewed bi-lateral approach to comprehensively addressing legacy including supporting agreed historical investigation and information recovery mechanisms as well as implementing and amending legislation, supporting current and future public inquiries and working together on efforts to promote reconciliation. Despite these positive statements and commitments, the current legacy environment is challenging, contentious and uncertain for victims and their families.
30. In January 2024 the former Irish Government lodged its inter-state case against the UK with the European Court of Human Rights given their concern around the incompatibility of parts the Legacy Act. It remains to be seen when or if the new Irish Government is sufficiently persuaded to withdraw the interstate case in the absence of the full implementation of the measures to repeal and replace the Legacy Act. Given the lengthy legislative process to introduce primary legislation to support the reinstatement of legacy inquests and enhance the powers of the ICIR it is unlikely that the inter-state case proceedings will be withdrawn soon.
31. Due to the multi-jurisdictional nature of the conflict, it is not possible to fully support victims and survivors without acknowledging and supporting those who live in the Republic of Ireland, as well as in Great Britain and Northern Ireland. The Government's approach to supporting the health (mental and physical) needs of victims and survivors, acknowledging loss and bereavement, commemorating victims of the violence, and justice, truth and information recovery about conflict-related incidents must therefore include close collaboration with the Irish Government.

The Bereaved

32. An important next step to be considered by the UK Government in its new approach to meeting the needs of victims and survivors and their families relates to acknowledging the specific and enduring needs of those bereaved throughout the Troubles/conflict. The new NI Victims and Survivors Strategy recognises that the specific needs of the bereaved are 'not always fully addressed by the forms of support currently available.'²²
33. The hurt, pain and enduring loss felt by generations of the bereaved has been compounded in recent years with the legal regulations underpinning the operation of the Troubles Permanent Disablement Payment Scheme (TPDPS). They deliberately

²² TEO (2024) Strategy for Victims and Survivors of the Troubles/Conflict 2024-34: 16. Strategy is accessible here: <https://bit.ly/4jzwcaB>

exclude many bereaved individuals not at the immediate aftermath of their loved one's deaths from being able to receive an award under the Scheme. This is despite many experiencing often severe and permanent psychological disablement, managing lifelong conditions including trauma-related clinical depression, complex grief and substance dependency. Added to this is the anguish and frustration felt currently by many bereaved families in NI and elsewhere caused directly by the imposition of the Legacy Act including the halting of inquests, banning of civil court cases and the curtailing of Police Ombudsman investigations as well as hundreds of PSNI legacy investigations and other independent legacy police investigations conducted elsewhere across the United Kingdom (UK).

34. The previous Commissioner for Victims and Survivors, Ian Jeffers submitted advice to government in December 2023²³ recommending the establishment of a dedicated Scheme for the bereaved that would include a substantive payment to individuals recognising the suffering and lost life opportunities caused by our recent conflict. CVS would urge the UK Government to give serious consideration to the CVS advice recommendations and implement a fully funded payment scheme for bereaved victims and survivors.

Summary

35. CVS is pleased to have provided a written submission as part of the Committee's Inquiry into the UK Government's new approach to addressing the legacy of the past in Northern Ireland. In summarising this response, we would like to highlight the following points.
36. It is currently too early to say if the Labour Government's new approach meets the needs of victims, survivors and their families. Victims and survivors seeking access to truth, justice and accountability are still being significantly impacted by a largely unsupported and cruel piece of legacy legislation imposed by the previous Conservative government. The Legacy Act is and remains a deeply flawed piece of legislation that may prove to be irretrievably reformable resulting in many victims and their families feeling let down by government and our elected representatives.
37. CVS welcomes the current measures announced by the SoSNI to reinstate both civil proceedings relating to Troubles-related incidents as well as legacy inquests however we are concerned at the significant delay in completing these processes. The UK Government should provide clarity around their decision not to include the restoration of inquests alongside the reintroduction of civil actions into the Remedial Order.

²³ CVS (2023) Advice to Government on provision of a bereavement payment scheme and services for people bereaved as a result of the Troubles/conflict, Commission for Victims and Survivors. Report can be access here: <https://bit.ly/3Q0Ef2A>

38. A substantive number of victims and survivors are currently deciding not to engage with the ICIR which is concerning and reflective of the uncertainty and lack of confidence in the wider legacy mechanisms and processes. The UK Government's upcoming measures to address the independence of the ICIR and the Secretary of State's power to veto the disclosure of sensitive information to families will serve as a litmus test. These actions will reveal the new Labour administration's commitment to overhauling the Legacy Act and enhancing the Commission's powers and credibility.
39. Revisiting the draft Stormont House Agreement bill would provide the UK Government with strong guidelines for a credible approach to information recovery and disclosure, accountability, and for engaging with and supporting families and appropriate participation of next of kin in cases, which were endorsed by most political parties in Northern Ireland. At this juncture, it is imperative that the UK Government, in its commitment to consult with all parties provides further details of the measures that will be introduced in new primary legislation and the likely timeframe for becoming law.
40. It is important that victims and survivors need to see the practical outworking of the renewed bilateral approach by both the UK and Irish Governments to comprehensively address legacy issues. This includes supporting agreed-upon historical investigation and information recovery mechanisms, implementing and amending legislation, backing current and future public inquiries, and collaborating on efforts to promote reconciliation.
41. CVS would urge the UK Government to give serious consideration to the CVS advice recommendations and implement a fully funded payment scheme for bereaved victims and survivors as part of the new approach to addressing the legacy of our troubled past.