

Commission for Victims and Survivors for Northern Ireland

Written Submission to The Lantos Human Rights Commission of Congress

15 February 2022

The Commission for Victims and Survivors for Northern Ireland relay their thanks to The Lantos Human Rights Commission of Congress for the opportunity to put forward this written submission.

The Commission

The Commission for Victims and Survivors was first recommended in the Good Friday Agreement in the aftermath of 40 years of conflict in Northern Ireland. It was founded in May 2008.

Our statutory duties, set out in the Victims and Survivors Order 2006 are;

- To promote awareness of the needs of victims and survivors
- To keep under review the adequacy and effectiveness of law and practice
- To keep under review the adequacy and effectiveness of services
- To provide advice to Government, 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
- Take reasonable steps to ensure that the views of victims and survivors are sought
- To make arrangements for a forum for consultation and discussion with victims and survivors

We are a Non-departmental Public Body (NDPB) of Northern Ireland's Executive Office.

Legacy

The legacy of the past that we live with today is:

- *26% of the Northern Ireland population have been affected or a family member continues to be affected by a conflict-related incident*
- *3,720 conflict-related deaths between 1966 and 2006*
- *c40,000 physically injured*

The Police Service of Northern Ireland record ongoing bombing incidents, shootings and paramilitary style attacks, finds of firearms and ammunition as well as charges under the Terrorism Act.

Between the signing of the Good Friday Agreement in 1998 and February 2021, the Police Service recorded 163 security-related deaths.

Following the Northern Ireland Office's 2018 public consultation on legacy proposals, the Commission submitted advice to the Secretary of State for Northern Ireland on [Addressing the Legacy of Northern Ireland's Past](#).

This advice was underpinned by key guiding principles developed by the Forum.

It outlined a clear view that any mechanisms must first and foremost meet the needs of victims and survivors, seek to promote reconciliation, and importantly, must uphold the rule of law.

In January 2020, the political agreement *New Decade, New Approach*, reaffirmed commitment to establishing the Stormont House Agreement legacy institutions.

In the period leading to the publication of Her Majesty's Command Paper in July 2021, the UK Government signalled a change in direction for legacy mechanisms to one which re-focussed its approach to provide greater certainty for service personnel and veterans serving in armed conflicts.

It also outlined the intention to bring current and future civil cases, Judicial Reviews and inquest proceedings on Troubles-related activity to an end.

The premise for these proposals seems to be centred around the widely agreed idea that "the current system is not working for anyone" and that Northern Ireland's past significantly impacts on politics, public debate and trust in the police and wider justice system.

It is widely accepted that the current system is not working for the majority of people. However, it must be recognised that civil proceedings, judicial reviews and inquests have delivered much for some families and that the institutions of Stormont House have never been implemented nor given the chance to work.

This Command Paper has been met with considerable opposition from victims and survivors, political parties within the Executive, and prominent voices within academia and civil society.

The Commission, Forum, and many other victims and survivors organisations have shared with the UK Government the triggering and distressing human impact on the mental and emotional wellbeing of those most affected by such proposals.

Population Survey

In a recent Northern Ireland-wide population survey,* the establishment of the Stormont House Agreement institutions was broadly supported, with between 55% and 67% of the adult population saying they were in favour of their implementation.

88% believed it important to address the legacy of the Troubles/Conflict in Northern Ireland.

In that same poll, 70% did not support a Statute of Limitations. 67% did support the creation of an Oral History Archive.

**survey results correct to +/-2%*

The Commission and Forum met with the US Ad-Hoc Committee for the Protection of the Good Friday Agreement on 27 July 2021, the UN Special Rapporteur for the Protection of Human Rights and Fundamental Freedoms and made representations to The Executive Office Committee in Northern Ireland in October of 2021.

The Commission note that members of US Congress had written to the UK Prime Minister calling for the Government to reconsider its recent proposals.

It remains the Commission and Forum's position that these measures offer the best chance of delivering optimal outcomes for victims, survivors and wider society when it comes to addressing the past.

The closure of avenues as proposed in this latest Command Paper represents a sweeping denial of rights to families and presents a real risk of seriously damaging our focus on reconciliation.

A more nuanced understanding

Both the Commission, and its Forum, fully recognise that victims and survivors are a diverse group of people, often with a range of views and unmet needs on legacy matters.

What has been missing so far from much of the debate are the voices of those who are hard to reach and who have chosen to not engage within the sector for myriad reasons.

The Commission is currently undertaking work with victims and survivors across the islands of Great Britain and Ireland, and further afield, to ensure that we have a broader understanding of those who are entitled to contribute to the debate.

We are mindful of those who have made an active decision not to engage with legacy truth and justice avenues.

This needs to be addressed not just through Human Rights violations and Article 2 compliance, but also through a series of initiatives such as the New Decade, New

Approach proposed Oral History Archive and other ways to look at society from a victim-centred and trauma informed way.

This may bring alternative opportunities for resilience building or recovery for those who do not wish to engage with a judicial-led process as their means.

The first principle of the Belfast Good Friday Agreement, that "we must never forget those who have died or been injured, and their families. But we can best honour them through a fresh start, in which we firmly dedicate ourselves to the achievement of reconciliation, tolerance, and mutual trust, and to the protection and vindication of the human rights of all."