



Northern  
Ireland  
Office

# **ADDRESSING THE LEGACY OF NORTHERN IRELAND'S PAST**

## **Analysis of the consultation responses**

July 2019

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## Executive Summary

The legacy of Northern Ireland's past has had a profound and lasting impact on significant numbers of individuals, families and communities across Northern Ireland and beyond. It has been clear for many years that the current system is not working well for anyone and that we need to find a better way to address our past.

**The public consultation, 'Addressing the Legacy of Northern Ireland's Past' launched on 11 May 2018 and ran for 21 weeks.** At the beginning of the consultation, the Secretary of State identified four important principles we must consider as we try to find the best way to address the past: first, any way forward must seek to meet the needs of victims and survivors; second, it must promote reconciliation to enable the people of Northern Ireland to move forward and build a better future; third, the proposals must reflect broad political consensus and be balanced, fair, equitable, and crucially, proportionate; and, finally, the proposals must be consistent with the rule of law.

For many, the past is not something that can easily be left behind. The trauma suffered during the Troubles is as real today as it was on the day these terrible events took place. We all recognise that the legacy of the past remains an important and sensitive issue, but it is clear that there will never be full agreement on the events of the past and there are clearly a wide range of views on how best to meet the needs of victims and survivors. In setting out proposals for finding a better way to address our past, our consultation sought to draw out these views to inform a way forward in line with the four principles set out by the Secretary of State.

**We received over 17,000 written responses,** in a variety of formats from individuals and organisations.

**We are enormously grateful to those people who found the strength and generosity to share their personal experiences.** We have been humbled and moved by stories of hurt, loss and suffering, but also encouraged and uplifted by accounts of hope, resilience, bravery and courage.

We also appreciate the time taken by a wide range of individuals and organisations to provide responses on the principles and technical details of the consultation proposals. We, in turn, have taken the time to read carefully and consider each submission and the views and opinions provided.

The messages we received, during both our engagement meetings and in written submissions to the consultation, provided views and opinions on all of the proposed **Stormont House Agreement** institutions: the Historical Investigations Unit (HIU); the Independent Commission for Information Retrieval (ICIR); the Oral History Archive (OHA); and the Implementation and Reconciliation Group (IRG).

As the Secretary of State has made clear, new ways to address the legacy of the past will only succeed if the institutions can command broad support and trust from the community.

This includes victims, survivors, wider society and those former members of the security forces who served during some of the darkest days to ensure the future of Northern Ireland would only ever be determined by democracy and consent, and never by violence.

In order to build consensus on workable proposals that have widespread support we must listen to the concerns of victims, survivors and other interested parties. This is why this consultation process, and the overwhelming response, has been so important.

**This paper provides a high-level overview of the key themes emerging from our analysis of all consultation responses** - over 17,000. Among such a large number of respondents it is inevitable that there will be different priorities and contrary views.

Nonetheless, the overarching message from the vast majority of those who have responded to the consultation is clear: the current system needs to be reformed and we have an obligation to seek to address the legacy of the past in a way that builds for the future. This means ensuring that the way forward will contribute to a better future and further reconciliation across society.

**The Government remains fully committed to the implementation of the Stormont House Agreement and it is essential that our work continues.**

The Government will work closely with a newly restored Executive - or, in the absence of an Executive, the NI parties - to discuss the key issues raised and to agree the way forward. The people of Northern Ireland and others affected by the Troubles deserve to see progress on this important issue and the Government is determined to deliver that progress.

## Report Structure

This report is structured as follows:

- **Chapter 1** contains the background to the consultation, including a brief summary of the consultation exercise, an overview of the proposed institutions in the Stormont House Agreement and some detail on the engagement we undertook during the consultation period.
- **Chapter 2** provides a breakdown of the key themes emerging from the 17,000 responses and details the analysis framework we used in order to ensure that all messages and viewpoints received in submissions were accurately captured and assessed. This chapter sets out the views of respondents on the institutions of the Stormont House Agreement and other views contained within the submissions.

A list of organisations and groups that responded to the consultation is attached at **Annex A**. A copy of the Data Protection Impact Assessment for the consultation is available on our website: [www.gov.uk/government/consultations/addressing-the-legacy-of-northern-irelands-past](http://www.gov.uk/government/consultations/addressing-the-legacy-of-northern-irelands-past) or on request to: [legacyconsultation@nio.gov.uk](mailto:legacyconsultation@nio.gov.uk).

## Chapter 1 – Introduction

### 1.1 Background to the Consultation

On 11 May 2018, the Secretary of State for Northern Ireland, the Rt Hon Karen Bradley MP, launched the public consultation, ‘Addressing the Legacy of Northern Ireland’s Past’. The consultation provided everyone with an opportunity to comment on the proposals set out in the 2014 Stormont House Agreement (SHA) including the establishment of the four new legacy institutions.

The consultation was originally due to close on 10 September but shortly before this, following several requests, we agreed to extend the deadline so that those who needed more time to consider their responses could do so. The consultation therefore ran for a total of 21 weeks and closed on 5 October with over 17,000 responses received. We are grateful to everyone who responded, welcoming all views on this important and sensitive issue.

### 1.2 The Proposed Institutions

The SHA proposed four new institutions, which represent the balance of the political agreement reached between the five main parties in Northern Ireland and the UK Government and the Irish Government in 2014. The institutions are designed to address different aspects of the legacy of Northern Ireland’s past. The general principles underpinning these institutions are set out in the SHA, including the requirement to operate in ways that are balanced, proportionate, transparent, fair and equitable. The proposed institutions which formed part of the consultation are:

1. The Historical Investigations Unit (HIU) – an independent body to take forward outstanding investigations into Troubles-related deaths. The HIU would take on the outstanding work of the Police Service of Northern Ireland’s (PSNI’s) Historical Enquiries Team and the outstanding legacy work of the Police Ombudsman for Northern Ireland. The HIU would have policing powers and the UK Government and its agencies would be legally compelled to provide it with full disclosure of information. After completing an investigation, the HIU would provide a report to the family of the deceased, consistent with obligations to protect life and keep people safe and secure. The HIU would have a dedicated family support function to assist families through the process.

2. The Independent Commission on Information Retrieval (ICIR) – an independent institution, established by international agreement between the UK Government and the Irish Government, that would enable family members to seek and privately receive information about the Troubles-related deaths of their relatives. Engagement with the ICIR would be entirely voluntary and the ICIR would only seek information in those cases where families have submitted a request. Families from both the United Kingdom and from Ireland would be able to seek information from the ICIR.

3. The Oral History Archive (OHA) – an independent archive that would enable people from all backgrounds to share experiences and narratives related to the Troubles. Sharing experiences with the OHA would be entirely voluntary. As well as collecting and archiving new material, the OHA would look to draw together existing oral history projects. A research project would be established as part of the OHA to produce a factual historical timeline and

statistical analysis of the Troubles. The archive would be the responsibility of the Public Record Office of Northern Ireland (PRONI).

4. The Implementation and Reconciliation Group (IRG) – an institution to promote reconciliation and anti-sectarianism and to review and assess the implementation of the other legacy institutions proposed in the SHA. After five years, the IRG would commission an independent academic report on themes using an evidence base established by the work of the other legacy institutions.

### **1.3 Engagement**

Throughout the consultation period, officials attended a range of engagements and public meetings in Northern Ireland, Great Britain and Ireland in order to discuss and provide further detail on the proposals. Officials also answered questions and heard suggestions and opinions from those present - victims, survivors and many others.

We are grateful to all those who took the time to contribute to this important and sensitive discussion. For many, it represented a first opportunity to contribute to the debate around addressing the legacy of the past. It was extremely informative and important to hear directly from victims, survivors and others, and to listen to their experiences and views on the proposals.

These views are essential in helping us to build support and confidence from across the community, to arrive at a way forward for dealing with the past, that has the potential to provide better outcomes for: victims; survivors; former police officers and veterans, and for all those affected by the Troubles.

## **Chapter 2 – Summary of Responses**

### **2.1 Overview of Responses to the Consultation**

We received over 17,000 responses to the consultation, in multiple formats - including postal submissions, personal letters, printed questionnaires, emails and submissions through the Citizen Space online portal - from across Northern Ireland, Great Britain and Ireland.

In terms of format, the responses received can be broken down into four broad categories:

- ~c12,450 hard copy responses: responses reflecting over 50 different templates were submitted, with many people adjusting the template to include details of personal experiences.
- ~c3,200 responses from individuals giving a personal opinion without specifically addressing the questions as posed in the consultation paper.
- ~c1,300 responses from individuals and organisations answering the questionnaire contained in the consultation paper.
- ~over 100 multipart and detailed responses from a range of statutory and non-statutory organisations including academics, victims groups, churches and civic society.

We also received a number of petitions in support of organisations that made submissions on the SHA proposals.

### **2.2 Analysis Methodology**

The consultation was designed in a modular way, to allow respondents to focus on the areas of most interest or relevance to them.

A questionnaire was included as part of the consultation documentation, for respondents to consider when making their submissions. A minority of respondents answered the questionnaire directly.

The vast majority of respondents preferred to provide 'narrative' submissions that identified particular areas of importance to them, some of which detailed personal and family tragedy and heartbreak as a result of the Troubles. In setting out these personal experiences, many of these respondents chose not to address directly the specific points raised in the questionnaire.

All responses were collated and allocated a unique reference number (URN). This URN, together with names and addresses were recorded, in line with data protection legislation, and reviewed in order to mitigate the potential for duplicate responses.

Each response was read and analysed for views and opinions, noting the key messages that emerged.

Our consultation analysis methodology - in line with Government best practice whereby quantitative and qualitative analysis is used - was flexible, allowing us to manage the various

types of response received. This ensured that the key messages from personal narratives would be reflected in our findings.

A series of 'tags' were used in analysing responses and drawing out key themes and conclusions. These tags corresponded to the major themes set out in the consultation and the emerging issues arising from our engagement with the public and partners as part of our engagement activity. 'Tagging' responses enabled us also to draw on useful data emerging from the consultation in terms of the numbers of respondents expressing a particular view.

### **2.3 Key Views in Responses**

In order to analyse and efficiently summarise the responses received, this chapter of the report broadly duplicates the modular design of the consultation paper, using the questions asked in the relevant sections as a framework. We have included a separate analysis of any additional opinions and views which were expressed in the range of submissions to the consultation and do not clearly fall within this framework.

This chapter seeks to provide an accurate reflection of the key views submitted by respondents, representing the totality of the material submitted. It is important to bear in mind that views gathered through a public consultation are not necessarily representative of the opinions of the population as a whole. Rather they are the views of people who were aware of the consultation, have an interest in the subject under discussion, and chose to take part.

The approach to the analysis took account of the range of responses received and the varied material submitted, using a robust thematic framework based on, but not constrained by, the consultation questionnaire.

The following sections summarise the views and opinions received in responses to the questionnaire and narrative responses from individuals, organisations and groups.

## **Part A – The Current System**

There was a clear view among respondents that the current system of dealing with the past requires reform. Many cited particular concerns about a lack of resources, delays in the system and a loss of confidence among victims and survivors.

Others expressed personal or political views on both the current system and the proposed new ways of addressing the past. We heard many stories of the impact which the past is continuing to have today - particularly for the severely injured, whose needs are increasing, not decreasing, with time.

### ***Question 1: Current system for addressing the past***

*Do you consider that maintaining the current system for dealing with the issues of the past through legacy inquests, PSNI and OPONI investigations is the right approach, or do you think there is a need for reform?*

### **Responses to Question 1**

Of those respondents who answered this question, most agreed that the current system needs reform, citing current issues around delay, complexity, transparency and not delivering enough for victims.

In addition, many argued that the current system is unbalanced, focusing mainly on investigations into the actions of the security forces. A number of people emphasised the importance of criminal investigations for wrongdoing and that victims are entitled to pursue justice.

Some respondents, however, argued that the current system represents broadly the right approach but requires more minor reform to work effectively - such as additional funding and resources or changes to the current procedures governing the Police Ombudsman's Office.

### **Narrative responses**

There was a clear view among narrative responses that the current system for dealing with the past does not treat people equally, needs to be reformed and is not delivering enough for victims.

The impact of delay on families and survivors was an area of particular concern for respondents, with several highlighting the fact that many people have now passed away without having had the opportunity to receive 'truth or justice' for loved ones. There was both criticism of how the current system operates and a clear view that new mechanisms should focus on the needs of victims and survivors, providing them with a clear voice and having a say on how new systems should operate.

Other people raised issues around adequate funding for the Police Ombudsman's Office and the Lord Chief Justice's proposals for inquest reform. These issues are explored further on pages 21 and 31 respectively.

### **Responses from organisations**

Most organisations agreed that the current system needs reform. Some focused on the needs of victims and the effect of delay; others were concerned with what they viewed as a 'piecemeal system', not delivering effectively for everyone.

Some were concerned that the current system was unbalanced against the security forces and the State, while others argued that there needs to be more transparency and information for victims and survivors.

## **Part B – The Stormont House Agreement Proposals**

Of those who expressed a view on the Stormont House Agreement (SHA) proposals, the majority indicated broad support for the institutional framework. Many noted, however, a number of areas of concern including: around funding and resourcing; how the institutions would interact; independence; staffing of the proposed institutions; and the overall time frame envisaged for the work of the institutions.

In general, almost all respondents agreed that any approach to dealing with the past should be victim-centred: victims' voices should be heard and acknowledged and the new institutions must work collaboratively to assist victims and survivors to have increased engagement with the legacy processes.

Many respondents noted that victims, survivors and their families are entitled to truth - and that information recovery is essential to reconciliation. Some felt this aspect was more important than prosecutions or the criminal justice process.

There was general agreement that advocacy and support services need to be adequately resourced in order to effectively support victims through their engagement with the new institutions, with appropriate family liaison arrangements in place.

### ***Question 2: Stormont House Agreement proposals - engagement with legacy institutions***

*Does the proposed approach help to ensure all groups of people can effectively engage with the legacy institutions?*

### **Responses to Question 2**

Some people highlighted specific areas that they felt needed addressing before they could support the complete SHA package.

We heard concerns about engaging with the proposed institutions from the perspective of victims, survivors and other people in Great Britain and Ireland.

Some respondents questioned how the new approach could support reconciliation, expressing concern that the proposed institutions could actually increase divisiveness and not encourage closure. Others argued that reconciliation should be an important part of the new mechanisms, in order to address the legacy of the past.

There were some concerns around the possibility of further lengthy investigations into the past. Some argued it was time to 'draw a line in the sand', end investigations and prosecutions and instead use funding earmarked for the proposed legacy institutions to help in other areas such as the health and education sectors.

Some respondents felt that a general amnesty should be implemented, suggesting that this would support broader reconciliation and help Northern Ireland 'move forward', avoiding the divisiveness they feared would ensue during and after any legacy prosecutions.

A number of people held the view that the proposals are weighted against former members of the security forces. There were concerns that legacy investigations would be one-sided, favouring terrorist groups, and that more needed to be done to protect former members of the security forces.

### **Narrative Responses**

Among narrative responses, there were particular concerns around the mental health impact of the Troubles and the need to provide support for victims with psychological injuries. Many noted the transgenerational impact across families and communities.

Almost all respondents who raised the issue of additional support for victims agreed that more needs to be done for those who have been injured, including those with disabilities.

There was also a concern that more needed to be done to ensure the institutions would be accessible and would engender confidence across the community. Some respondents noted the importance of adequate funding and resourcing for the institutions and the need for them to be human rights compliant in their operation.

A number of responses argued that gender issues, relating to the impact of the Troubles in Northern Ireland, need to be both recognised and addressed. These issues are also mentioned on page 32.

Some respondents suggested that there should be an international dimension in respect of both the oversight of, and the appointments to, the new institutions.

### **Responses from organisations**

Among the issues raised in responses, was the necessity for the new institutions to be independent, free from political interference and to act in ways that are compliant with the European Convention on Human Rights (ECHR). The need to ensure the new processes are collaborative, inclusive and victim-centred was also a theme.

Some raised the need to include incidents in Great Britain and Ireland, such as the Birmingham and Guildford Pub Bombings and the Dublin and Monaghan Bombings, within the remit of the institutions.

Others referred to the need to ensure confidence in cooperation and transparency from the Irish Government in matters of disclosure, investigative processes and support for victims in Ireland.

In addition, concerns were raised around resourcing for some of Northern Ireland's existing criminal justice agencies and other bodies in light of the new institutions being established and becoming operational.

Some also argued that an appropriate and effective oversight mechanism required further consideration, that the HIU should not report to the Policing Board and that alternative mechanisms for political accountability should be explored.

## **Part C – The Historical Investigations Unit**

This section covers the proposed Historical Investigations Unit (HIU) and assesses responses on questions 3, 4, 5 and 6 of the questionnaire. We have also included detail of additional matters that respondents have raised, relating to the HIU, at the end of the section.

### ***Question 3: HIU remit***

*Should the HIU's remit also include deaths which took place between the signing of the Belfast Agreement on 10 April 1998 and 31 March 2004?*

### **Responses to Question 3**

Among the questionnaire responses, there were mixed views about the inclusion of 1998-2004 cases in future processes. Some people agreed that the Troubles ended with the reaching of the Belfast Agreement in 1998 and the remit of the institutions should reflect this. Of the people who held that view, most felt that the PSNI should deal with the post-1998 cases, while others argued that the families should decide whether the HIU should investigate.

Other people felt that if the remit of the HIU was to be extended to 2004, then the remits of the other institutions should be similarly extended.

Others highlighted concerns around the 'chronological order' approach to investigations, arguing that more recent cases should be investigated first, on the basis that there was a greater chance of successful prosecutions in these instances.

There was a concern that, if extended, the post-1998 cases would be the very last to be investigated due to the HIU's chronological approach. In addition, some raised concerns that bringing deaths during this period into the HIU's remit would increase the risk that the early release scheme for prisoners would be extended to cover these deaths.

### **Responses from organisations**

There were mixed views from organisations on whether responsibility for the 1998-2004 group of cases should be given to the Director of the HIU.

Some felt that it may unfairly impact on victims and survivors of cases in that time period and made suggestions as to how to mitigate that - for example, creating a separate team within the HIU to commence the post-1998 cases at the same time as other HIU teams commence the post-1969 cases.

Others suggested that the fairest approach would be to allow families to decide whether their case should be dealt with by the PSNI or the HIU.

**Question 4: HIU - Director assessing previous investigations and deciding whether further investigation is needed**

*Do you think that the process set out above is the right way to assess whether an investigation into a Troubles-related death has taken place or whether investigation is needed?*

**Responses to Question 4**

Among responses to this question, two issues were prominent:

Firstly, the role of the victims' family. Some held the view that families who had previously received a Historical Enquiries Unit (HET) report should have the choice of whether to avail of a new HIU investigation, while others were concerned about the pressure this might put on a family. Some responses noted the differences between the scope, resourcing and processes of the HET and those of the HIU, arguing that this may give rise to the potential for unfairness in treatment. In particular, it was suggested that the proposed new evidence provisions were too narrow and placed an unfair burden on families.

Secondly, cases involving the security forces. There were concerns that investigations may be unfairly weighted against former members of the security forces, on the basis of the proposal that the HIU investigate all cases involving the State, while excluding terrorist cases previously investigated by the HET. Some people expressed the view that it should only be the independent HIU which determines which cases are in remit.

Overall, it was clear that many respondents felt that a fairer approach may be for the HIU to look at *all* closed HET cases, not just those involving the security forces.

**Responses from organisations**

There were some organisations which expressed concern around the certification role of the PSNI Chief Constable and his role in determining HIU caseload. This was a particular issue in respect of cases where allegations of collusion had been made, and with regard to the criteria which would allow certification by the Chief Constable on 'substantially complete' cases.

Others had concerns that the previous investigations that were not Article 2 compliant may not be re-investigated if there is no new evidence available. Some suggested that the threshold for investigations should include the nature and seriousness of the allegations made, rather than focusing on the evidence available.

**Question 5: HIU - disclosure appeals mechanism**

*Do you think that the proposed mechanism to appeal disclosure decisions to a judge provides adequate opportunity to challenge decisions by the UK Government to protect information?*

**Responses to Question 5**

Many questionnaire responses were clear that victims and survivors were entitled to as much information as possible and, as such, there should be a transparent, robust and fully legal-aided appeals process in support of this objective. There were also views that the appeals process should not unduly delay matters.

Some people restated concerns that the proposals would disproportionately impact those who served in the Armed Forces or the Police, arguing that there were not enough protections for former members of the security forces. There were concerns expressed that full transparency could put people - particularly former security forces - at risk, many of whom remain fearful that their personal information could be disclosed.

Others voiced concerns around the Irish Government's approach to the disclosure of information to the HIU and other institutions, and were anxious that the mechanisms would enable any important information to be provided. There were suggestions that the Irish Government should establish its own HIU or, at least, establish a special Garda unit to liaise effectively with the HIU.

**Narrative responses**

Many narrative responses raised the issue of Closed Material Proceedings (CMP) and the use of special advocates. They argued that more special advocates, who have the confidence of families, should be available. Many of the same respondents also voiced concerns about accessibility and called for legal aid to be available for all.

Others were concerned about the use of CMPs generally, arguing for the creation of new a tribunal to consider such matters whilst ensuring transparency. Some suggested that national security should be defined in legislation.

**Responses from organisations**

A number of organisations raised concerns around CMPs, noting the potential for distress to be caused to victims and survivors, together with concerns around the interaction between CMPs and protections under Article 6 of the ECHR.

Others have suggested widening the pool of special advocates to include lawyers with whom victims and survivors had already formed relationships.

In addition, some organisations suggested that appeals on decisions to release sensitive information should be fast-tracked to ensure timeliness, independence and avoiding delay in proceedings. There was also a concern that resources spent on the appeals process could divert funding away from the core work of the HIU.

**Question 6: HIU - overall view**

*Does the HIU provide a method to take forward investigations into outstanding Troubles-related deaths in a proportionate, victim-centred manner with an appropriate structure and safeguards?*

**Responses to Question 6**

Many of the questionnaire responses argued that, as victims from Great Britain and Ireland (and Europe), and injured victims, would not be within the remit of the HIU, the proposals could not be considered to be truly victim-centred.

Others argued that there was the potential for imbalance, as the 'State holds records and terrorists do not'.

**Narrative responses**

Many narrative responses, while supporting the broad architecture of the proposals, repeated concerns around independence, staffing and time frame, and that costs should be met by the UK Government and not the NI Executive.

**Responses from organisations**

Among organisations that provided an overall view on the HIU, there was a concern that the proposed five-year time frame of the HIU (with one year extensions) may not be achievable, as criminal justice proceedings often continue for many years after investigation reports are compiled.

In addition, we heard concerns that the requirement on the HIU to submit reports to the Public Prosecution Service (PPS) - even in instances when a suspect is no longer alive and, therefore, no prosecution can be brought - would have a clear impact on the effectiveness of prosecutors.

Both **questionnaire and narrative responses** also provided the following overall views on the HIU:

Caseload and scope

Most responses to the consultation which covered the issue of HIU caseload, agreed that in addition to taking on the outstanding work of the PSNI's Historical Enquiries Team (HET), the HIU should be able to look at all HET 'closed' cases as well.

This view was caveated at times, with some noting the need for families to have a role in deciding whether the HIU should look into these completed cases and others arguing that the PSNI should have no role in determining the caseload of the HIU.

Additionally, a number of respondents - both individuals and organisations - felt that the HIU should also be empowered to investigate serious injuries, engaging the UK Government's obligations under Article 3 of the ECHR, which prohibits torture and inhuman or degrading treatment or punishment.

The majority of respondents with a view on including victims of the Troubles from Great Britain and Ireland (and Europe), in any new way of addressing the past, argued that we must find a way of ensuring all victims are effectively supported.

### Oversight

Almost all respondents insisted on the need to ensure independence and transparency across all of the proposed institutions to build trust across the community, with particular regard to the HIU.

Many of the responses to the **questionnaire** argued that, under the provisions of the Draft Bill, the new HIU director would have too much power and that greater checks and balances were needed. Concerns around *equivalence* and an unfair focus on the 'actions of the State' was a clear issue for a number of respondents.

Most **narrative responses** generally voiced concerns around staffing issues, and the matter of former security forces being used to staff the institutions. Additionally, most argued that the HIU director should be independent and free from political interference. This was linked to an insistence, among many, that the HIU should be adequately resourced, with its funding ring fenced and not subjected to potential future budget cuts by its sponsoring department.

There was also concern raised in **organisations' responses** around the governance of the HIU, with some arguing that there needs to be a robust complaints system in place for families who may be dissatisfied with actions or decisions of the HIU, and others suggesting that the NI Policing Board would not be the most appropriate body to undertake the oversight role. Concerns were also flagged regarding the ability of the HIU to secure the number of investigators required to investigate these cases thoroughly.

In terms of the overall structure and governance of the HIU, some suggested that the HIU should be a non-ministerial government department, with inherent mechanisms for operation, oversight and regulation. A governance board, with non-executive directors excluded from taking active decisions on individual cases, was also suggested.

### Time frame

In **questionnaire responses** there was a degree of scepticism around the proposed time frame for the HIU. Respondents generally felt that the proposed five years for the HIU to complete its work was not realistic.

Most **narrative respondents** who commented on the timescale for the operation of the HIU also argued that five years was not enough time for the new institution to effectively address outstanding investigations, sometimes referencing the time taken on other recent legacy investigations. We heard concerns that the timescale undermined confidence in the institutions, while others felt it was important to take whatever time is needed to 'get it right'.

Some agreed it was important that the HIU aim to avoid delay and bring people closure as quickly as possible.

A number of **organisations** also voiced concerns around the proposed time scales for the institutions. Some felt they were challenging, that the five year proposal may not be long enough and that increased funding would be required.

#### Non-criminal police misconduct (NCPM)

NCPM refers to misconduct closely related to a death by a member of the PSNI, PSNI Reserve, the RUC GC or the RUC GC Reserve, which does not constitute a criminal offence. Responsibility for investigating Troubles-related incidents of alleged misconduct, or criminal action, by the police in Northern Ireland currently rests with the Office of the Police Ombudsman for Northern Ireland (OPONI). The SHA proposes that this responsibility should pass from OPONI to the HIU.

Most **questionnaire responses** which referenced this issue argued that it would be both unfair and unnecessary to give the new HIU a power to investigate NCPM, noting the lack of a definition of 'misconduct'.

Some people felt that serving or retired police officers would not have an opportunity to adequately defend allegations of misconduct.

Other people raised the issue that the HIU would only have the statutory powers to take enforcement action against criminal misconduct; therefore, in their view, investigating NCPM would be pointless and futile.

Many made the point that as misconduct proceedings could only be brought against currently serving officers, pursuing investigations into NCPM of officers who were retired, and could not be subjected to disciplinary procedures, was unfair and a poor use of resources.

There was also a view that pursuing police officers amounted to an unfair approach, in that other employees of the State during the Troubles would not be subject to investigations relating to non-criminal misconduct.

Among **organisations** that provided an overall view on the HIU, there were conflicting views on the distinction between criminal and non-criminal misconduct. Some felt that investigations into criminal and non-criminal misconduct must be operationally and structurally independent, while others argued they should not be undertaken separately but conducted concurrently.

There was a general view that, regardless of the way forward on NCPM, we needed to ensure there was robust support, including legal support, and assistance for retired police officers and their families in place.

#### Veterans and former members of the security forces

While the issue of amnesties or a Statute of Limitations was not included in the SHA proposals, it is clear that many who responded to the consultation had given considerable

thought to how investigations into military and police officers who served in Northern Ireland should be carried out.

The House of Commons Defence Select Committee published its report in April 2017 on 'Investigations into fatalities in Northern Ireland involving British military personnel'<sup>1</sup>. The report argued for the enactment of a statute of limitations, covering all Troubles-related incidents, up to the 1998 Belfast Agreement, which involved former members of the Armed Forces.

The clear majority of **all respondents** to the consultation argued that a Statute of Limitations or amnesty would not be appropriate for Troubles-related matters - many were clear that victims, survivors and families are entitled to pursue criminal justice outcomes and such a move could risk progress towards reconciliation. There was a strong sense that the new mechanisms must be fair and not favour any particular group.

Some **questionnaire respondents** did note that on account of Troubles-related offenders receiving reduced prison terms following the Belfast Agreement and the 'On the Run' letters administrative scheme, former security forces should similarly have cases in which they were involved halted/ended.

Other people commented that while former security forces continue to be investigated, that would impact the HIU's ability to successfully recruit experienced investigators.

Many of the **narrative responses** argued that introducing amnesties for security forces would undermine efforts to find human rights compliant mechanisms to address the legacy of the past and uphold the rule of law.

Among **organisations** that represent former security forces, some argued against any type of statute of limitations or amnesty for former soldiers and police - they felt those they represented would have no difficulty in answering for their actions and would wish to see terrorist organisations and their members being held accountable. In addition, they felt that granting blanket immunity from prosecution could create a misleading impression of moral equivalence between security forces and terrorists.

#### Transitional arrangements

Some **questionnaire responses** stated that as the Office of the Police Ombudsman for Northern Ireland (OPONI) only focuses on investigations into RUC GC, that amounted to a current unfair approach against former security forces.

Almost all **narrative responses** were clear that, in advance of the new HIU becoming operational, the OPONI should be sufficiently resourced to continue its investigations. Many argued that assisting the Ombudsman with increased resources to continue to investigate historical police complaints, would reduce the number of outstanding cases the HIU would have to consider.

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<sup>1</sup> <https://publications.parliament.uk/pa/cm201617/cmselect/cmdfence/1064/1064.pdf>

There were clear calls for an effective transition when the PSNI's Legacy Investigation Branch and OPONI cases are transferred to the new HIU.

Some **organisations** noted that the current proposals could, in some circumstances, result in dual investigations - the HIU investigating death and the Police Ombudsman considering injuries that meet the grave and exceptional criteria resulting from the same incident. There was a concern that each organisation could reach different conclusions, and therefore potentially produce opposing reports that could present obvious risks to the integrity of both bodies.

It was suggested that the HIU should take over the investigation of all Troubles-related deaths and other cases which can be demonstrated as 'grave or exceptional'.

#### National Security and sensitive information

Among **questionnaire responses** there was a concern that any new mechanisms had to ensure there were enough protections regarding former personnel and operational practices in place - personal safety and security was a clear theme.

Again, others voiced concern around the need for effective cooperation and sharing of information by the Irish authorities.

Almost all **narrative** responses that addressed the issue of national security agreed with the proposals that the HIU director has full access to all relevant material.

Some argued that all material should be disclosed in all circumstances and that families' entitlement to information trumped all other considerations, including national security considerations.

There were some who felt that not enough had been done, or will be done, to investigate allegations of collusion and that these provisions could be abused in order to 'cover up' instances of potential wrongdoing or embarrassment for the government.

Among **organisations** that responded on the issue of national security and the potential release of sensitive information, there was a concern that 'national security' is not properly defined and could be misused in order to frustrate the legitimate release of relevant information.

Others were concerned that obligations in relation to the Official Secrets Act may prevent key people from participating with the institutions.

Some argued that the national security provisions in the draft Bill should allow a court to overturn a decision to redact information by the Secretary of State and instead provide *her* with a right to appeal that decision.

There were also views that the Secretary of State should not be able to prevent the Policing Board from establishing an inquiry on national security grounds.

## **Part D – The Independent Commission for Information Retrieval**

Questions 7 and 8 of the questionnaire consider family support for those involved in the ICIR process and whether the institution is structured correctly.

### ***Question 7: Independent Commission on Information Retrieval***

*What actions could the ICIR take to support families who seek information about the death of their loved one?*

#### **Responses to Question 7**

Many questionnaire responses stated that it was important to ensure there were appropriate family liaison services in place, which should provide regular updates and manage the expectations of families.

In addition, respondents felt that the use of trained professionals in the ICIR was important. There were calls for effective ‘signposting’ to other support services for families engaging in the ICIR process.

Some suggested that the ICIR should prioritise the cases where families have no other available avenue, in order to help them achieve ‘closure’.

#### **Responses from organisations**

Some organisations suggested that the ICIR should learn the lessons from the Independent Commission on the Location of Victims’ Remains (ICLVR) on leadership, trust and managing expectations.

There were mixed views on how proactive ICIR should be. Some organisations expressed concern that there was a risk of re-traumatising families who have learned to deal with their loss. Others felt that the ICIR should be proactive in engaging with families and not await requests for information in relation to the deaths of loved ones, arguing that the ICIR needed an effective ‘outreach’ programme, with appropriate support for all those who engaged.

### ***Question 8: Independent Commission on Information Retrieval***

*Do you think the ICIR is structured correctly, with the right powers and protections, in a way that would provide victims and survivors with the chance to seek and receive information about the deaths of their loved one?*

#### **Responses to Question 8**

Respondents to the questionnaire wanted to highlight the importance of information recovery, as part of the healing and ‘closure’ process. They registered, however, scepticism around how information could be validated and whether terrorist organisations would be truthful and open when interacting with the ICIR. Many noted that ‘small pieces of information’ could be important to them. There was disappointment that for many, the key point of finding out who was responsible for the murder of loved ones, was unlikely to be provided.

Many people raised concerns that the structure of the ICIR would mean that only the State and security forces would effectively engage, as terrorist groups 'did not keep records' spanning the period of the Troubles. Others also expressed scepticism as to the willingness of perpetrators, who had in the past been engaged in serious criminality, to engage honestly with the ICIR about crimes they had committed, particularly if the information they provided could be used in a prosecution.

Others were doubtful that those who had perpetrated or witnessed events would be able accurately to recall those events so many years later. Some respondents commented that for the ICIR to work, former paramilitary groups would need to support, publicly and privately, the ICIR in its work.

Some people felt that former security forces would be reluctant to participate if there was a risk of leakage of sensitive information from the ICIR, which could risk their personal safety.

### **Narrative responses**

Many narrative responses supported the broad concept of confidential information recovery through the ICIR and many respondents commented that the success of the Independent Commission for the Location of Victims' Remains (ICLVR) should be seen as a positive precedent.

Some noted it was important to ensure that former security forces members would not be prevented from cooperating with the new institutions due to their obligations under the Official Secrets Act.

Other respondents voiced concerns around how the ICIR would operate if there were disagreements within families engaged with this process.

Some argued that the ICIR should have access to the HIU's files, including intelligence. In addition, there was concern that ICIR archives would be destroyed once its work is complete.

There was a view that the ICIR should be entirely independent, and that no former security forces should have a role in its operation.

### **Responses from organisations**

A number of organisations raised a concern that the ICIR's work on 'patterns and themes' could result in a one-sided narrative against former security forces, as it would inevitably revisit allegations of collusion.

In general, there was a concern that fears of prosecution may act as a deterrent for people or groups with information to cooperate.

### Overall ICIR views

Both **narrative and questionnaire** responses which addressed the work of the ICIR and the HIU raised concerns around how the two institutions could effectively work, if they were both operating concurrently.

They noted the importance of ensuring that any interaction with the HIU would not undermine the inviolability of the ICIR's records and that any information provided to families by the ICIR must not be admissible to the HIU or other criminal justice processes. They noted the need to ensure participation and that verified information was used.

In contrast, other **questionnaire** respondents were not convinced of the concept of confidential information recovery, and argued that criminal justice bodies should be allowed to access the ICIR's records in order to effectively pursue prosecutions.

Some responses were supportive of the ICIR approach to only seek information for families about the death of a loved one following a formal request, on the basis that unwanted action by the ICIR could have the potential to re-traumatise families and survivors. It was noted, however, that choosing to engage with the ICIR or receiving reports would not remove this potential.

Other people raised the possibility of the ICIR having a wider remit than looking into deaths and suggested that it could have a role in cases of serious injury or attempts to kill, enabling the proposals to do more for those victims and survivors of such incidents.

Some people suggested that where both parties consented, and with appropriate support, meetings between contributors and families should be privately facilitated by the ICIR.

Concerns were also raised that the voluntary nature of the proposals put former paramilitaries in a position of power over vulnerable victims, survivors and families.

Among **narrative** responses, it was also suggested that, in light of the time that was taken by the ICLVR to establish trust and working relationships, the ICIR should have a continuing remit. Of those who considered that a longer remit would be appropriate, some felt that it should never close and should always remain an option for future 'deathbed confessions'.

Some **organisations** suggested that the ICIR and HIU should run concurrently and that families should choose which process to engage. There was a view that the ICIR should be able to compel disclosure of information from public bodies as part of its mechanisms to verify information received.

Others noted it was unclear how the ICIR would assess what, if anything, it might do that could prejudice any actual or prospective criminal justice proceedings. Similar to the Police Ombudsman, one option might be for it to seek advice from the PPS in advance.

On the issue of participation, some were sceptical that those who had participated or contributed to criminality would want to drag up a part of their life they had tried to leave behind.

## **Part E – The Oral History Archive**

Questions 9 and 10 of the questionnaire address the Oral History Archive (OHA) proposals and participation.

### **Question 9: Oral History Archive**

*Do you think that the Oral History Archive proposals provide an appropriate method for people from all backgrounds to share their experiences of the Troubles in order to create a valuable resource for future generations?*

### **Question 10: Oral History Archive**

*What steps could be taken to ensure that people who want to share their experiences of the Troubles know about the Archive and are encouraged to record their stories?*

## **Responses to Questions 9 and 10**

Questionnaire respondents provided mixed views, with some highlighting the potential societal benefits of sharing varying perspectives of the Troubles.

Some people felt that former terrorists should have no role in the work of the Archive, as perpetrators should not be afforded 'equal standing with families who lost loved ones'.

There were some concerns that the Archive could be used both to justify and potentially glorify acts of terrorism.

Others focused on the need to ensure balance and accuracy in the records that comprise the Archive.

There were concerns raised around how the Archive's material will be used, the need to ensure value-for-money and how similar local and community projects, already in existence, would be utilised.

Many commented that storytelling represented an opportunity to acknowledge the pain, suffering and unique experiences of those who had not before had the opportunity to be heard.

In addition, some believed the OHA process could be of therapeutic benefit to victims and survivors, giving them the opportunity to record their experiences for the benefit of generations to come.

Most respondents were broadly supportive of the OHA and welcomed the fact that it was highly inclusive.

## **Narrative responses**

Many narrative responses referred to the need to ensure the Deputy Keeper of Records is independent from political or ministerial interference. In addition, many argued that the

Steering Group, as well as being appointed in line with public appointments guidelines, should take the primary role in the operation of the Archive.

Some argued that the OHA should not be located within the Public Record Office of Northern Ireland (PRONI), while others suggested it should expand its scope beyond oral histories and include written and digital records, as well as physical exhibits.

There were some respondents who argued that the OHA should remain accessible to individuals, in order for them to amend their contributions, as recollections often improved with time.

Almost all responses supported publicising the OHA, while ensuring it is accessible for the elderly, rural communities and those with disabilities.

### **Responses from organisations**

Some organisations echoed concerns around independence - noting that the OHA should not be located within the PRONI as there could be a risk it could be susceptible to political interference by the minister of the sponsoring department.

Others were concerned around the role of the Deputy Keeper in general, and specifically about the level of control he or she would have in deciding whether to accept or destroy records.

Some were also concerned that the OHA would be used for propaganda purposes and that there may be efforts by some to attempt to rewrite the past.

There was an alternative view that the OHA would have a positive role in collecting 'unheard' voices of the Troubles.

Some cautioned that the staff of the OHA would need to be aware of the risk of re-traumatising participants and take appropriate steps to assist and support those who engaged with the OHA.

## Part F – The Implementation and Reconciliation Group

Questions 11 and 12 of the questionnaire address the Implementation and Reconciliation Group (IRG) and the academic report on themes and patterns.

### **Question 11: Commissioning the academic report on themes and patterns**

*Do you think that the ESRC should be engaged to commission the academic work on patterns and themes to ensure independence, impartiality and best practice in academic research?*

### **Question 12: Implementation and Reconciliation Group**

*Do you think the IRG is appropriately structured to allow it to review the work of the legacy institutions, to commission an independent academic report and promote reconciliation?*

## Responses to Questions 11 and 12

In response to questions 11 and 12, most respondents voiced concerns around the political appointees to the Group and the lack of representation of wider society, including victims and survivors. Some expressed concern that a political focus might conflict with the Group's reconciliation role.

Others suggested it was important not to undermine work that is already ongoing in reconciliation and suggested that the IRG should focus on working with existing structures and work strands.

Many questionnaire respondents also expressed the following:

- fears about the rewriting of history or the production of a narrative of the Troubles that was unfair, disproportionate or biased to particular perspective of history
- a clear desire that any reports produced by the IRG must be historically accurate
- a clear need for IRG outputs to reflect how the Troubles impacted different people in different ways
- a requirement for an international figure to have a role in the oversight of the IRG
- a requirement on the IRG to issue a 'Statement of Wrongs'
- a concern that the work of the IRG and the other institutions might exacerbate or perpetuate sectarianism

Some questioned why only the Economic and Social Research Council (ESRC) were being considered and asked what other options may be available.

Many people made suggestions of specific themes and patterns they felt should be considered for the academic report. Such suggestions included: 'collusion' between members of terrorist organisations and those who worked for State agencies or departments; paramilitary campaigns against particular sections of the community, including in border areas (which some respondents described as 'ethnic cleansing'); the formation and growth of terrorist organisations; and methodologies of terrorist organisations.

### **Narrative responses**

Most narrative responses were broadly supportive of the concept of the IRG and the need to have a focus on reconciliation. Some suggested that at least guidance on, or a statutory definition of, 'reconciliation' would assist and inform the group's work.

Many argued that the academics commissioned to prepare a report should have access to a wider range of material and reports, than is currently set out in the draft Bill, to assist their work. They noted the need for both a wide range of academics, including historians, and for academics to be impartial and free from political interference.

### **Responses from organisations**

Some organisations were concerned that the IRG might only take account of the reports of the other institutions and that this might distort its own reports as it would have a criminal justice focus.

It was argued by some that the fact that the remits of the HIU and the ICIR were focused on deaths during the Troubles meant that the wider impacts of the Troubles would be neglected in the work of the IRG. They suggested that the IRG work could be an opportunity to consider the Troubles through other contexts, such as the role of churches, civic society, political parties and the UK Government and the Irish Government, and the impact of the Troubles on women and children and how longer term impacts are seen today.

Some argued that there would be merit in having input from historians or social / political science academics.

Other respondents argued that the IRG should establish a formalised role for historians, such as through an advisory research board or commission - either to advise the IRG, and/or other institutions, or to provide context in order to help them with their work. Some commented that the breakdown of political appointees, set out in the SHA (paragraph 54) and reflected in the Bill, is based on the d'Hondt position in 2014 and needs updating.

## Part G – Other views

In response to questions 13 and 14, and within the large number of the narrative submissions, there were a range of additional issues on which respondents provide views and opinions.

### **Question 13: Stormont House Agreement proposals - overall view**

*Do you think that the package of measures proposed by the Stormont House Agreement provides an appropriately balanced and planned way to move Northern Ireland forward that can command the confidence of the community?*

### **Question 14: Other views on the past**

*Do you have any views on different ways to address the legacy of Northern Ireland's past, not outlined in this consultation paper?*

### Victims' pension

There were a number of **questionnaire** respondents who highlighted concerns around the definition of a victim, in terms of entitlement to a pension. Further discussion on this issue is included in the next section.

Most **narrative** respondents who commented on the issue of a victim's' pension agreed that those who have been injured as a result of Troubles-related violence, many of whom have been unable to accrue their own pension entitlement as a result of those injuries, including psychological injuries, should receive a pension.

The Commissioner for Victims and Survivors, in response to a request from the Secretary of State, has recently provided advice on a proposed pension for victims of the Troubles. The Government will carefully consider this advice and how the proposals might be taken forward.

### Financial support for victims

Separate to the idea of a pension for victims, there was a strong sense among both **narrative and questionnaire** responses that those who were injured in the Troubles, incurring physical and/or psychological injuries, should receive financial support.

Some respondents suggested that financial compensation already paid to victims and survivors in the 1970s and 1980s was unfair and should, therefore, be revisited with a view to increasing the payments. Others argued that the issue of war widows' pensions for security forces killed in Troubles-related incidents should be effectively addressed.

### Definition of a victim

Views of respondents who raised the issue of the current definition of a victim (Victims and Survivors (Northern Ireland) Order 2006) were split.

Many people who provided **narrative** responses felt that attempts to redefine 'victim' would lead to exclusion and marginalisation of a significant number of victims and their families, including those killed or injured in disputed circumstances during the Troubles.

Others, including some who provided additional views to the **questionnaire**, argued that it was unacceptable that anyone who was injured or killed as a result of their own involvement in terrorism could be known as a victim - they argued for a change to the current definition of a victim.

In addition, some argued that people who were injured as a result of an incident they were directly responsible for, could not be entitled to benefit from a pension for victims.

#### Inquests and LCJ's proposals

Almost all respondents who provided narrative submissions and who commented on inquests argued that the Lord Chief Justice's five-year plan for legacy inquests should receive immediate funding to enable outstanding inquests to commence as quickly as possible.

A number of people who responded to the questionnaire noted that inquest reform did not form part of the public consultation. There were, however, no strong views which argued against the LCJ's proposed reforms<sup>2</sup>.

#### Gender issues and approach

A number of responses raised the issue of the gender impact of the Troubles and how new mechanisms must acknowledge and address gender issues.

Some suggested that gender must be fully integrated into the processes for dealing with the past; and that if gender parity is not a priority in all the institutions, gender may not receive the necessary attention. The mechanisms should be fair and respond to diverse victim needs including gender-specific needs and avoid treating all victims the same.

Others acknowledged that while the vast majority of those killed were men, women were the majority of surviving family members - there was a disproportionate experience of poverty among women.

#### A fair and balanced approach to the past

Central to almost all responses was the importance to have a fair and balanced approach to the past. The need to ensure that no one 'side' should be either unfairly favoured or disadvantaged was a strong message across all responses.

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<sup>2</sup> On 28 February 2019 the Northern Ireland Department of Justice announced funding for these proposals. It is expected that the reformed system will be introduced during 2019-20 and be fully operational by April 2020.

Many voiced concerns about the history of the Troubles being rewritten and fears that the past might be formally recorded in ways that were not historically accurate, did not reflect the range of experiences that different people had and/or did not capture their own personal experience of the Troubles. It was clear that the perception of fairness is key for the majority of respondents.

Some respondents to the **questionnaire** emphasised the importance of ensuring that the approach or institutions must not be unfair or unbalanced against former and serving members of the security forces. Many expressed particular concern that the approach to the past should not suggest equivalence between terrorists and security forces.

Others expressed fears that some victims may be traumatised if any of the work of the institutions resulted in victims being exposed to what may be perceived as glorification of terrorism.

Many respondents expressed the view that any approach to the past must underline that there is never any justification for using terrorist means to achieve political ends. Some noted that only the State kept records regarding the past and that information retrieval or other mechanisms should not seek to rewrite the past.

Most **narrative** responses cited the need to ensure any new approach to the past must be non-partisan, human rights compliant, equality based and be able to command the confidence of local communities.

#### Additional matters raised

A number of additional matters were raised among some respondents.

Some people asked for specific steps to be taken in relation to particular cases, for example some asked for public inquiries in relation to the murder of Pat Finucane, the killings at Ballymurphy and Springhill, and the Sean Graham Bookmakers murders.

One issue that was raised by many respondents was that of collusion. Some respondents expressed the view that the legacy structures must look specifically at this issue with some arguing that a clear definition of 'collusion' was required as part of any effort to address the legacy of the past.

Others expressed concern there could be an undue focus on allegations of collusion, and that this could lead to an exaggerated narrative of collusion instead of focusing on acts carried out by terrorist groups. Some people felt that a statutory definition of 'collusion' in relation to the Northern Ireland Troubles should be introduced.

Many respondents expressed concerns that any new approach to addressing the legacy of the past should not be used to cover up the past.

A number of respondents felt it was important that wrongdoing and harm throughout the period of the Troubles was acknowledged and that apologies were offered. Different suggestions were made about how such apologies or acknowledgements could be given.

Some people felt the IRG should do this at the beginning of their work, while others felt it would be an important outcome of the work of the IRG.

We also heard views on the consultation document. Some felt that it was too long and complicated; others felt that not enough detail around the proposals was included. Some respondents criticised the consultation documentation, accusing the government of attempting to 'sanitise' the language used when relating to attempts to address the legacy of the past.

Others argued that more is needed to ensure religious and political equality in any new approach to addressing the past.

Some groups expressed disappointment that the NIO had not engaged with them directly.

In some responses, consultees included particular allegations against members of the security forces. Those who did so may wish to consider whether to raise the matter with the Police Service of Northern Ireland or, if the complaint is about the police, with the Office of the Police Ombudsman for Northern Ireland.

## **Part H – The Impact on Equality and Good Relations**

Questions 15, 16 and 17 of the questionnaire address the impact on Equality and Good Relations. Some respondents directly answered these questions while others provided comments through narrative submissions.

### ***Question 15: Impact of the current system***

*What are your views on the impact of the current system for addressing the past for different groups as described by Section 75 of the Northern Ireland Act 1998?*

- The majority of respondents who answered this question felt that the current system has either a 'mainly negative' or 'strongly negative' equality impact on people's religious beliefs, political opinions and disabilities.
- Of the remaining Section 75 groups (Gender, Age, Sexual Orientation, People with Dependents and Marital Status), most people felt there was 'no effect' on the equality impact.
- Many respondents, who submitted a narrative response, recorded views that the present system excludes those injured and disabled as a result of Troubles.

### ***Question 16: Impact of the Stormont House Agreement proposals***

*What are your views on the impact of the Stormont House Agreement proposals for different groups as described by Section 75 of the Northern Ireland Act 1998?*

- The majority of respondents who answered this question, felt that the Stormont House Agreement proposals had either a 'mainly negative' or 'strongly negative' equality impact on people's religious beliefs and political opinions.
- Of the remaining Section 75 groups (Gender, Age, Sexual Orientation, People with Dependents, People with Disabilities and Marital Status), most people felt there was 'no effect' on the equality impact.
- Many responses to this question recorded views that the present system excludes those injured and disabled as a result of Troubles.
- Others also noted the potential for people to use SHA proposals to undermine reconciliation and create further division

### ***Question 17: Opportunity to promote equality of opportunity or good relations***

*Is there an opportunity to better promote equality of opportunity or good relations?*

- The vast majority of respondents who answered this question agreed that there is an opportunity to better promote equality of opportunity or good relations.
- A large number of respondents who answered the question felt that it was important that there should be acknowledgement of wrongdoings or a statement of wrongs.
- A number of other respondents felt that any new approach should be victim-centred.

- The need for any new approach to legacy to be human rights compliant and equality based was raised by a number of respondents.
- Some respondents felt that the approach should not unfairly favour terrorists.
- Other responses to this question noted that it was important that the Irish Government also fulfilled all of their obligations in respect of legacy matters fully.
- A number of respondents noted that educating children and young people together was the key to promoting good relations.

The equality information collected from the consultation will be used to inform the full Equality Impact Assessment that will accompany the legislation.

### **Petitions**

A small number of petitions and endorsed responses were received in response to the consultation. For analysis purposes, these were recorded as single responses but noting the number of signatories attached to them. They were analysed in the same manner as all other responses to the consultation with the views and opinions taken into consideration.

We are also aware of a number of other online petitions relating to the consultation which were not directly submitted to the Department. On this basis, they could not be accepted as official submissions. However, we took into consideration the opinions and views expressed in them and noted their volume of support.

Alliance Party  
Amnesty International UK  
Ardmonagh Family & Community Group  
Ards Welfare Support Group (AWSG)  
Armagh Local Voluntary Welfare Group  
Ashton Community Trust  
British Association of Social Workers Northern Ireland  
Building Communities Resource Centre  
Carrickfergus Community Forum  
Castlehill Foundation  
Chairman of RUCGC Association Fermanagh Branch  
Church and Society Commission of the Church of Ireland  
COISTE  
Commission for Victims and Survivors (CVS)  
Corrymeela Community  
County Armagh Grand Orange Lodge  
Cúnamh  
Decorum NI  
Disabled Police Officers Association  
Diversity Challenges  
Docklands Victims Association  
Democratic Unionist Party (DUP)  
Ely Centre  
EPIC (Ex-Prisoners Interpretive Centre) and ACT (Action for Conflict Transformation Initiative)  
Equality Commission for NI  
Evangelical Alliance  
Fáilte Feirste Thiar  
Falls Women's Centre  
Families Acting for Innocent Relatives (FAIR)  
Families Moving On  
Fermanagh & South Tyrone UUP  
Fermanagh Traditional Unionist Voice  
Fírinne  
Family Research Policy Unit (FRPU)  
Good Relations Unit - Falls Community Council  
Grand Orange Order of Ireland  
Green Party  
Healing Through Remembering  
Historians and the Stormont House Agreement: A Report on a Workshop held at Hertford College, Oxford  
Homes United by Ruthless Terror (HURT) – Upper Bann  
House of Commons Defence Committee - Submission  
Inspire

Irish Congress of Trade Unions  
Justice for Northern Ireland Veterans  
Justice for the Forgotten  
Justice4the21  
Kabosh Theatre Company  
KRW LAW LLP  
Legacy Gender Integration Group  
Lisburn Veterans Breakfast Club  
Longstone Community Association  
Loughgall Truth & Justice Campaign  
Lurgan District LOL No6  
Malone House Group Legacy  
Methodist Church in Ireland - Council on Social Responsibility  
Mid Ulster Victims Empowerment Project (MUVE)  
Mossley Heritage and Development Association  
Mornington Community Project  
National Museums NI  
New Lodge Six Families  
Newry Royal Black District Chapter  
Northern Ireland Committee of the Irish Congress of Trade Unions (NIC-ICTU)  
Northern Ireland Community Relations Council (NICRC)  
Northern Ireland Policing Board (NIPB)  
Northern Ireland Association of Care and Resettlement of Offenders (NIACRO)  
Northern Ireland Retired Police Officers Association (NIRPOA)  
Northern Ireland Catholic Council on Social Affairs  
Northern Ireland Commissioner for Children and Young People  
Northern Ireland Council for Integrated Education (NICE)  
Northern Ireland Council for Racial Equality (NICRE)  
Northern Ireland Human Rights Commission (NIHRC)  
Northern Ireland Local Voluntary Welfare Groups Steering Committee  
Northern Ireland Women's European Platform (NIWEP)  
Northern Spring  
Oakgrove Integrated College, Derry-Londonderry  
Office of the Police Ombudsman for Northern Ireland  
Omagh Support and Self Help Group  
Out of the Shadows  
Paper Trail  
Pat Finucane Centre  
Police Federation for Northern Ireland  
Police Service of Northern Ireland  
Progressive Unionist Party  
Public Prosecution Service  
QUB Model Bill Team  
QUB Human Rights Centre of Law  
Regimental Association of the Royal Regiment of Fusiliers  
Relatives for Justice  
Royal Standard LOL 347  
RUC George Cross Widows' Association

RUC George Cross Association - Coleraine Branch  
RUC George Cross Association - Country Armagh Branch  
RUC George Cross Association – Newtownards Branch  
RUC George Cross Foundation  
Rural Community Network  
Social Democratic and Labour Party (SDLP)  
Sentence Review Commissioners  
Sinn Féin  
South and East Tyrone Welfare Support  
South Belfast UPRG  
South East Fermanagh Foundation (SEFF)  
Southcity Resource and Development Centre  
Specialist Military Units' Regimental Associations'  
Springhill Community Centre  
St James' Community Forum  
Start 360  
Superintendents' Association of Northern Ireland  
The Centre for Cross Border Studies  
The LEGaSi Project  
The Parachute Regimental Association  
The Presbyterian Church in Ireland  
The Prisons Memory Archive  
The Regimental Association of the Ulster Defence Regiment CGC  
The Royal Black Institution  
The Stories Network  
The Trustees of the Intelligence Corps Association  
Tim Parry Johnathan Ball Peace Foundation (the Peace Foundation)  
Time-Out Assessment Centre  
Traditional Unionist Voice (TUV)  
Ulster Human Rights Watch (UHRW)  
Ulster Special Constabulary Association, Banbridge & District Branch  
Ulster University  
UNISON  
Ulster Unionist Party  
Victim Support NI  
Victims and Survivors Service  
Victims and Survivors' Trust (VAST)  
WAVE  
Women's Aid Federation NI  
Women's Regional Consortium  
Women's Resource and Development Agency  
Women's Information NI  
Workers Party  
Wounded Police and Families Association  
Youth Link NI