

The Green Party Northern Ireland



Consultation Response to:

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

1. Introduction

- 1.1.** The Green Party Northern Ireland (GPNI) welcomes the opportunity to respond to the NIO's consultation on addressing the legacy of Northern Ireland's past. It is our view that the needs of victims & survivors, families and future generations need to be served by a process that is fit for purpose and has the confidence of our society, and more particularly, victims and survivors, in the structures tasked with dealing with our troubled past. Therefore, the processes used to establish and operate these structures must from the outset be collaborative, inclusive, victim centred, independent and impartial.
- 1.2.** In dealing with the legacy issues and the consequences of the conflict the Green Party Northern Ireland assert that the focus of these structures and processes must focus on the challenge to build a stable, peaceful and shared society in Northern Ireland, on the whole island and between the islands. This means that there must be an ultimate purpose to dealing with the past. It is imperative then to ensure that the mechanisms for dealing with the past will make things better and not worse.
- 1.3.** In preparing this consultation document the Green Party Northern Ireland has consulted widely with victims and survivor groups and individuals, statutory agencies, public bodies and academics. Although the proposed structures and mechanisms are not perfect and we will throughout this document provide a critique and suggestions for improvement, we are painfully aware that victims and survivors are getting older and some have died waiting for issues to be addressed, we wish for the mechanisms and processes to address the legacy of the conflict to be initiated without further delay.
- 1.4.** This document has been prepared, shared and commented on by the GPNI Executive as a true and accurate reflection of our Party's position on Dealing with the Legacy of the Past and the most fitting way forward to deal with the issues effectively.

2. Principles¹²

To ensure the processes used to establish and operate these structures must from the outset be collaborative, inclusive, victim centred, independent and impartial, we suggest that the following principles are followed:

2.1. Co - Design and Collaboration - GPNI suggest that there is a need for a co-design and collaborative approach between victims and survivors and the relevant department/stakeholders in order to build confidence. Confidence in these institutions is critical for victims and survivors and those groups who support them. And here we point out that the temptation to engage largely or exclusively with large and well-known victims and survivors' groups needs to be avoided to ensure ALL victims and survivors, many of whom are not members of large groups, have their voices heard.

2.2. Victim-Centred - GPNI welcome the statement in Paragraph 31 of Stormont House Agreement (SHA) which states "Processes dealing with the past should be victim-centred". It is critically important that there is a comprehensive understanding of what 'victim-centred' means. The HIU must demonstrably show that the learning from the HET and HMIC Report has been applied and addressed. The expectations of victims and survivors must be managed to ensure that from initiation to the process right through delivery of the HIU findings, victims and survivors are aware what is deliverable and achievable from a historical investigation, and what is not.

2.3 Gender Integration: Fully integrate gender into the processes for dealing with the past. A gendered lens must be applied holistically throughout the processes (i.e.: design, remits, reviews, analyses, decisions). If gender is not integrated from the outset of the process, it will structurally determine that gender does not receive necessary attention and priority throughout the remainder of the process. Gender parity should be a priority in all institutions and processes dealing with the past. Decisions about the design and implementation of processes to deal with the past must be actively considered for their gendered implications. There are clear gender patterns to victimhood and survival. The vast majority of those killed in the conflict were men. The majority of surviving family members are women. Women are a significant presence in victims' organisations in providing and receiving services. Moreover, one's experience of conflict and one's conflict legacy needs are heavily shaped by gender. Victimhood is gendered, as are coping strategies. Different gender patterns of harm and survival must be recognised in the design of any process to deal with

¹ <https://www.cvsni.org/media/1316/key-guiding-principles-for-establishment-of-new-organisations-to-effectively-deal-with-the-past.pdf>

² https://www.ulster.ac.uk/__data/assets/pdf_file/0009/66285/Gender-Principle-Report-Sept-2015_Final-Version.pdf

the past and must be further explored and addressed in the conduct of that process.

2.4 Process-orientation: Understand gender and dealing with the past as an on-going and non-linear process, not an event, with a clear beginning and end. The experience of victimhood and survival is enduring and the pursuit of accountability is a long running process. New mechanisms must account for the victims' experiences of the processes that have gone before and will come after. Pre-determined deadlines for mechanisms fail to account for the importance of process and the non-linear character of how people deal with the past and trauma. Victims and survivors must be enabled and supported to engage with mechanisms to deal with the past in their own time and as far as possible on their own terms.

2.5 Inclusivity: Be inclusive and accommodate complexity. Victimhood and survival are highly personal, complex, and gendered experiences. Hierarchies of victimhood fail to account for this complexity. They instead encourage narrow and prescribed accounts and categories of harm. Recognising diverse, shifting, multiple and gendered forms of harm, victimhood and survival, is essential to the construction of an inclusive and gender-sensitive process to deal with the past. Mechanisms must utilise fair procedures that respond to the diversity of victims' individual needs, including their gender-specific needs, and avoid treating all victims as the same. The scope of the investigations should be extended to cover those who died at the scene of an incident (Cain –Sutton List of Fatalities)

2.6 Addressing Structural Obstacles: Recognise and redress structural obstacles to inclusion. Multiple harms, poverty, and the absence of appropriate multi layered support are powerful material obstacles to the inclusion of victims. These obstacles are heavily gendered, given women's disproportionate experience of poverty and traditional roles. These obstacles require direct, practical and material responses, as well as coordinated strategies, in order to be addressed. Unmet expectations of victims from previous failed processes to deal with the past are equally powerful, though less obvious, structural obstacles to inclusion. Victims who engage in good faith must not be failed again.

2.7 Holistic Approach: Respond to the whole victim and survivor. Legalistic and medicalised approaches to dealing with the past can label victims as 'sick' or 'service users' and as passive and marginal to official processes, instead of the active agents for truth, justice and recovery that they are. Complex experiences of victimhood and survival require holistic, whole person and integrated

responses. Mechanisms need to be designed to reduce the likelihood and impact of re-traumatisation for those engaging in the process. Multidisciplinary teams, competent in a number of areas, are best placed to avoid placing victims in duplicate and multiple interactions with official institutions. Effective advocacy for and where appropriate, or asked for, training and skills development for victims is essential to ensuring effective participation. Counselling, peer support and alternative therapies are essential for ensuring that victims are adequately supported to sustain participation. Moreover, recognising and valuing the existing resources and coping strategies of victims within their communities and community-led organisations is critical to this approach. Services, support and acknowledgement must be included as essential elements of reparations to victims.

2.8 Equality and Diversity: Value gender expertise and lived experience. An over-reliance on legal, investigative and medical expertise in recruitment will likely work to preclude precisely the women and men who have direct and lived experience of the issues. Criteria used to determine skills, including for academic roles, must be transparent in order to ensure fairness and community confidence. Criteria that result in all- or largely-male teams of investigators and other relevant personnel cannot be accepted. Relevant expertise in recruiting, which includes gender expertise, should be recognised not just in terms of formal qualifications, but also in terms of experiential learning and leadership. Victims and survivors should be recruited for positions leading and involved with carrying out the processes. In addition, gender training should be provided to all personnel, at all levels, engaged in dealing with the past. As a matter of priority, a specific group responsible for overseeing the integration of gender into dealing with the past should be established. Mechanisms for dealing with the past cannot be staffed and led in ways that reinforce existing gender and other inequalities.

2.9 Local and Global Learning: Craft bottom-up local responses that draw on international good practice. It is crucial to have localised bottom-up approaches that are informed by relevant international experiences. This requires the inclusion of local NGOs, the voices and experiences of victims and survivors themselves in the design, implementation and review and reform of the processes. The silences and exclusions of women and gender that have characterised approaches to dealing with the past in several places over many years need to be learned from and not replicated. Nevertheless, the development of relevant international standards, in particular state obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and guidance for states in the CEDAW General Recommendation Number 30 and the Women, Peace and Security Resolutions of the United Nations Security Council, the Basic Principles and Guidelines on the Right to a Remedy and Reparation, and the Nairobi Declaration on

Women's and Girls' Right to a Remedy and Reparation, has fostered improved practice in recent years. Locally appropriate processes to deal with the past must draw on this international learning, together with the substantial local resources and knowledge within the community and existing victims organisations.

2.10 Independent & Impartial: Victims and survivors do not need these institutions to be further battlegrounds. Independence and impartiality are crucial in both delivery and oversight. They must be free from political interference and should be impartial. This may require oversight sourced from Europe/Internationally to ensure compliance with European/International legislative requirements. This will go some way in rebuilding trust with those tasked with dealing with historical investigation.

3.0 Current System for dealing with the past

The issues identified with regards to the current system have evolved over time and include:

- The PSNI through its Legacy Investigation Branch (LIB) which has inherited 900 cases from HET
- Cases referred by Director of Public Prosecutions.
- The Office of the Police Ombudsman for Northern Ireland Historical (400 cases) Investigations Directorate
- Coroners Service for Northern Ireland

The issues are those of resource implications in a time of austerity budget implementation, causing budgetary decisions to be made about current work versus legacy cases within the PSNI, OPONI & PPS. The overlap for victims and survivors in dealing with several organisations simultaneously can compound trauma already suffered, not least in the context people lack experience, confidence and relevant skills (see above), and add to the delay and duplication of efforts.

3.1 It has been suggested by some of those consulted that to ensure there is no further delay that consideration is given to adequately funding the existing truth and justice processes as opposed to setting up new mechanisms which will take at least a further two years at the earliest before they become functionary. The luxury of time is NOT available for many victims and survivors. We would make the point that some of what victims' families and survivors want in terms of truth and justice could be achieved by better resourcing of the coronial court system, along with the proposals outlined in the consultation document.

3.2 Other consultees are keen to see the four mechanisms outlined in the consultation established sooner rather than later. GPNI would like it to be noted that the

suggestion within the consultation that all cases will be dealt with within 5 years and with a budget of £150m is giving false hope to victims, which is wrong and does not create confidence for engaging in any or all of the mechanisms outlined. We suggest a minimum timeframe of 10 years with a budget of £1billion. To ensure confidence in the process and mechanisms this must be written into the legislation.

3.3 Effective advocacy is imperative in representing victims and survivors (along with skills and training for victims and survivors themselves who so choose) and facilitating their engagement in the legacy processes and mechanisms, and also to manage the expectations of victims, survivors and their families. We acknowledge the commitment outlined in the SHA that the NI Executive will provide access to advocate-counsellors (some of whom may be themselves victims and survivors) to offset the social exclusion and disillusion felt by many who feel they have been failed by the system.

4.0 A Pension for Seriously Injured Victims & Survivors of the Troubles

The criminal Injuries compensation scheme has kept victims and survivors' dependent and victims living with severe disabilities feeling like 'beggars'. Some have advocated for a pension of £150 per week to ensure independent living which will save the State money in the long term. Legislation must urgently address pensions for those seriously injured in the Troubles. Back payments to 1998 are essential for victims and survivors many of whom are now in their 70's & 80's and have had to rely on state benefits only since they were injured. To facilitate this legislation and mechanism GPNI have looked at the work of Dr. Luke Moffett QUB³ on human rights compliant pensions.

4.1 A non-discriminatory approach

The current service provision to victims and survivors makes no distinction between civilian, security forces or paramilitaries who seek to access services and secure individual assistance payments. This non-discriminatory approach is consistent with human rights law that everyone should have access to effective remedy for serious injury or death. The Victims and Survivors (NI) Order 2006 definition of victims and survivors is a quite broad inclusive definition. In order for reparations to be feasible and include a meaningful amount, it is necessary to consider those who suffer the most and continue to feel the harmful effects, such as injured victims (including of course those suffering serious psychological traumas). If the Victims and Survivors (NI) Order 2006 was adopted for seriously injured victims based on those who suffer disablement it would provide a non-discriminatory approach.

³ https://pure.qub.ac.uk/ws/files/17739775/SSRN_id2704550.pdf

Similarly, in private law, which provides the basis for reparations in international law, there are a number of principles for dealing with claims on the part of those who have both been responsible for inflicting harm and victims of harm. We need to learn from best international practice in this area. s such private law, human rights courts (to some extent) and the Victims and Survivors (NI) Order 2006 all recognise a non-discriminatory approach for defining victims and with the former two, for compensation.

4.2 A Review Panel

An alternative approach to ensure the expediency of claims of civilians who were seriously injured, would involve provision for a review panel. This could be built into the pension legislation to determine whether victimised-perpetrators should be eligible based on their circumstances. For the purposes of the pension bill, the panel could take into account the time victimised perpetrators served in prison, gravity of their offence(s), their disability, their age, and the impact of their serious injury in daily life. There should also be provision for appeal to a high court judge if an individual is unhappy with the outcome of the review panel. Alternatively, an appeals process could be built into legislation to avoid costly litigation and to provide prompt hearings, before a single sitting judge. Alternatively, a review panel could assess the extent of the person's harm against their responsibility. Individuals who were victimised members of non-state armed groups, could be included into the pension scheme, but their amount could be reduced by a proportionate amount to reflect their past responsibility in victimising others. In some domestic criminal injury compensation schemes individuals can be barred or limited to claiming certain amounts of tapered compensation, up to cap, as can their family members, based on the direct victim's background, association or past conduct.

Accordingly, victimised-perpetrators are not automatically excluded from claiming compensation. However, their amount of compensation can be reduced through a series of penalty points depending on the length of their conviction and the time since their release; as well as the gravity of the claim in relation to the claimant's criminal background. Thus mitigating a victimised-perpetrator's claim for compensation, or more broadly reparations, could reflect their responsibility, both internally in the harm they caused themselves and externally to harm caused to others. The scaled system of reducing their compensation could ensure that their responsibility for their actions and the consequences of their actions (on victims and themselves) is proportionally reflected in their final award. Yet allowing them access to reparation acknowledges their suffering and that they deserve some form of remedy, meaning that their past actions should not bar them from protection of the law. In Northern Ireland at least, this compensation was restructured in part for this purpose, due to previous schemes denying compensation to the families of those paramilitaries unlawfully killed by private or state actors. This approach

reflects that such individuals are both responsible in victimising others, but due to their seriousness of their suffering they should have some form of remedy.

4.3 Defining Who Is Eligible

The definition of which victims are eligible for the pension has to be carefully crafted so as to be clear and to achieve a reasonably equitable solution for all affected victims. Dr. Moffett has suggested a number of options. GPNI would support the 4th option:

The fourth option is a qualified definition of:

a) The claimant suffered physical injury(s) as a result of Troubles related incident(s);

b) the injury(s) has resulted in disablement;

c) any person convicted for a serious criminal conviction or scheduled offence their eligibility will be dealt with through the review panel/their amount will be determined through the tapered tariff system. This would allow ex-combatants to be distinguished from civilians, as responsible actors that were involved in causing suffering to others, but given the seriousness of their individual harm caused by others deserve some form of redress. The benefit with this definition is that it neutralises the issue of eligibility from obstructing the ability of 'innocent' seriously injured victims from obtaining their compensation, as those victimised-perpetrators go through the panel or a specialised committee to decide such cases on the basis of a tariff.

A pension for seriously injured victims has been a long time coming, but resolution of this issue is not only a long overdue opportunity to alleviate the suffering of several thousand victims; it is also an opportunity to acknowledge and unpack the complexity of political violence and associated victimisation.

5.0 Historical Investigations Unit

In the Consultation document the HIU is defined as 'an independent, investigative institution responsible for completing outstanding investigations into 'Troubles-related deaths.' In his report in 2016 the Special Rapporteur on the Promotion of Truth, Justice, Reparation & Guarantees of Non-Recurrence on his mission to the United Kingdom⁴ (hereafter Report of the Special Rapporteur) highlighted the specific gender deficiencies on exclusive focus on conflict-deaths. The majority of victims who lost their lives in the conflict were male; 91% of all those killed. Given the disproportionate role of women in caring for surviving family members, it was women who managed the financial and

⁴ <http://www.refworld.org/docid/58b9583b4.html>

emotional burden sustaining families who lost male relatives, as well as continuing campaigns for accountability.

5.1 HIU remit to include deaths between April 1998-March 2004

The HIU is the only mechanism which has proposed the extension of dates. If this proposed institution were to be genuinely victim centred, then the solution to this would be to follow the original dating of the troubles up to 11th April 1998 and allow victims/survivors involved in 'security related killings' post 11th April 1998 the option to opt into having a HIU investigation.

5.2 Appointment of the Director of HIU

The Consultation document states (page 58) "The Director and two non-executive members would be appointed by the Northern Ireland Minister for Justice on the basis of a unanimous decision by an appointment panel which would be made up of the Attorney General, The Head of the Civil Service, The Commissioner for Victims & Survivors and a person with experience for managing major criminal investigations appointed to the panel by the NI Justice Minister."

The GPNI asserts that external perspectives have always had a valuable role in conflict resolution and peace-building in Northern Ireland; it is a perspective that reminds all stakeholders that the challenges faced are not entirely unique or exceptional to this jurisdiction. Hence challenges around accountability and impartiality are quite common in post conflict states; the role of International Special Rapporteurs, the involvement of victims and survivors from other conflicts, and the use of a body of knowledge which may be drawn upon regarding appropriate approaches, compromises and exchanges.

An external perspective is also useful because it's assessment and recommendations are set against universal human rights standards and obligations, and not against the perceived political expediencies of the local context. International intervention has also proved important and invaluable will inevitable situations of stalemate arise locally. GPNI would recommend international appointments to build confidence in the mechanism from the outset.

5.3 Duties of the HIU – National Security

The consultation document states that "the HIU could not do anything to prejudice the national security interests of the United Kingdom" (page35)

However, 'national security' is not defined in UK legislation. Using this term in the implementing legislation would require defining the term for the purposes of dealing with the conflict in Northern Ireland. Considering Professor Kieran Mc

Evoy's work at Queen's University, GPNI would concur that a simpler approach would be to replace the term 'national security' with criteria for redaction. The term used in SHA is 'keeping people safe and secure' which could be used. An independent judicial mechanism tasked with reviewing decisions on information redaction should involve a process whereby the respective arguments of the HIU, government departments and the public interest in disclosure could be tested. To facilitate this a pool of independent 'public interest' advocates should be created. Families could then choose lawyers from that pool to represent their interests before the independent judicial mechanism. Senior judicial personnel with relevant knowledge and experience should staff the independent judicial mechanism. The Lord Chief Justice in consultation with the British and Irish Governments should appoint the judges. The UN Special Rapporteur on Promotion of Truth, Justice, Reparations and Guarantees of Non-Recurrence and the Council of Europe Commissioner on Human Rights should also be consulted to help instil public confidence.

The detailed reasoning for the decision taken by the independent judicial mechanism can be published, subject to the same redaction criteria. If a decision is taken to redact sensitive information from a report to families, the redactions must be minimum necessary to reduce the risk of death or harm to the specified persons concerned and proportionate to the level of risk when balanced against public interest in disclosure.

5.4 Structure of the HIU

The model used for the HIU is very similar to the HET model which came under much criticism from the HMIC⁵ report. Of those the GPNI consulted with Operation Kenova⁶ has been mentioned by many as a model of good practice in terms of financial and human resources but also the structure of the Independent Steering Group & Victims Focus Group.

5.5 Investigating deaths in the order they occurred

The consultation document states (Page 55) the deaths will be investigated in the order that they occurred. Some contributors such as the PPS and OPONI have suggested that the chronological dealing of cases is the wrong model if the objective of the HIU is to carry out an investigation which will lead to a report capable of leading to the identification or prosecution of the person who committed the criminal offence. It would be more effective to look at the most recent cases within the remit and for agencies to work across each other is a better way of doing it. People and indeed family members may want different

⁵ http://cain.ulst.ac.uk/issues/police/hmic/2013-07-03_HMIC_HET-report.pdf

⁶ <https://www.opkenova.co.uk/>

things from the HIU; some may want to know what happened; others want justice. How will these conflicting desires be protected and indeed honoured in their wishes? If few convictions will come from HIU, then families' expectations need managed from the outset of this process

5.6 Other issues with the HIU

Some other issues that remain to be clarified with the HIU are as follows:

Within the HIU who is carrying out the 'relevancy test?'

Will victims and survivors from the Republic of Ireland be able to access the HIU?

The HIU remit does not have the power to investigate torture or attempted murder – how will these families achieve truth and justice?

The 22 people who died as a direct result of conflict related incidences should also be investigated by HIU

There is a vast amount of space for MI5 and police to designate material as 'sensitive' before it even reached HIU. The experience of the Omagh families' Judicial Review which challenged and fought against full disclosure of information in public (HM Government having won the right to closed proceedings to protect 'national security'), does not instil confidence that all relevant information will be disclosed, and that 'national security' will not be used to illegitimately prevent information from being released.

6.0 Independent Commission on Information Retrieval

The Commission is described as 'International' on page (40). However, the five Commissioners "one Chair jointly appointed by the UK & Irish Government (in consultation with the Executive Office); one commissioner appointed by the UK Government; one commissioner appointed by the Irish Government; and two commissioners jointly appointed by the First & Deputy First Minister) For the same reasons outlined in section 5.2 GPNI would welcome international perspectives and appointments.

The ICIR running in tandem with the HIU may cause issues with witnesses sharing information or information shared with ICIR may influence an HIU case. It needs to be clearly outlined that information cannot be used for prosecutions by ICIR. If this is not made clear it may put people off coming forward.

Due to the dating remit of the ICIR following the traditionally accepted dating of the troubles, so only incidents between 01/01/1966-10/04/1998 in UK, ROI & Europe would be able to submit a request. This in effect means that the Omagh families would not be able to access the ICIR.

Given the point made above about the non-linear/sequential nature of addressing

the past for many people, we do not see a reason for limiting the ICIR to a 5-year time period. If it is working well, let it come to a natural end.

7.0 Oral History Archive

With view to the Oral History Archive GPNI would refer the NIO to the excellent work carried out by the Stories Network⁷ on oral history. Having the archive based at PRONI might not be the best location for reaching out to unheard voices such as s women and rural voices.

The consultation states on (page 65) that “The OHA would be a collection of records that document personal experience and of which are of ***lasting historical significance***. Who and how will this be decided? How for example, will the views and wishes of victims and survivors be balanced against professional historians or legal scholars’ judgements or views of those of local political parties? And what would the terms of reference look like? The consultation also states that ‘a factual timeline will be produced by academics (Page 65) to produce a factual timeline. With no agreed historical narrative in NI the GPNI believe that timelines that are multi-dimensional and overlapping are imperative so as to avoid and minimise partisan interpretations which would have the legitimacy of the OHA process and institution.

Questions remain:

- How will the archive be organised?
- What are the themes and how will they be decided?
- How will the stories be made available to the public (multi-media, online?)

There also needs to be careful consideration of the grouping and presentation of stories so as not to traumatise and diminish victims’ suffering.

This institution has the capability and potential to create division, mistrust, and sectarianism within the community.

How will this archive deal with the challenge of not creating ‘a hierarchy of victims’, or avoid being used for propaganda and political agendas, and those seeking to ‘rewrite the past’?

There may be no answers to these questions and the archive might simply function as a repository of ‘unvetted’ stories by anyone, but the questions above need to be

⁷ http://healingthroughremembering.org/wp-content/uploads/2015/11/TSN_Briefing_Paper_on_SHA_FINAL_Oct_2015.pdf

acknowledged, and measures put in place to ensure, as much as possible, that the OHA promote.

There is much more detail on how to destroy material and how it will be collated than how it will be a worthwhile and valuable archive that is accessible and useful.

8.0 Implementation and Reconciliation Group

8.1 In the consultation paper (page 67) it states that the IRG will be made up of 11 persons; a chair and ten other members. The chair of the IRG will be appointed by the First Minister & Deputy First Minister with one member appointed by the UK government and one from the Irish Government, and the remaining eight members would be appointed by Northern Ireland's political parties. The United Nations Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence noted in his report 2016⁸ that 'the gender-related impact of violations and abuses has been understudied at an official level' Therefore the IRG must be designed, staffed, funded and authorised to address patterns, themes and structural dimensions of a conflict that cannot be properly understood or addressed as the sum of isolated incidents. GPNI believe that the Commission for Public Appointments should be used in the process of recruitment.

8.2 GPNI would argue that this a duplication of what the Community Relations Council has been doing, Since 2012 CRC have produced Peace Monitoring Reports⁹ measuring the distance travelled, either closer to, or further away from the shared goal of a peaceful and inclusive society. We would also advocate that the Economic and Social Research Council (ESRC) and Arts Humanities Research Council (AHRC) is involved to ensure academic rigour, peer review quality and impartiality. The IRG has a specific remit to end sectarianism, therefore it has a lot of potential especially when linked to academic remit and themes

We would propose more community involvement and civic leadership as opposed to this body being made up exclusively of political appointments. Here the composition of the Irish Citizens' Assembly would be a model to follow to ensure a more inclusive and representative membership of the IRC

9.0 Statute of Limitations

GPNI welcome the omission of the Statute of limitations for members of the security forces. If this were to be enacted, it would prevent any further legal proceedings for Troubles related killings in which armed forces personnel were allegedly involved. This would therefore be an amnesty for past offences, and would become an

⁸ <http://www.refworld.org/docid/58b9583b4.html>

⁹ <https://www.community-relations.org.uk/publications/northern-ireland-peace-monitoring-report>

unprecedented and permanent part of the criminal justice system which could result in future impunity for serious offences in which UK forces personnel may be implicated.

10. Issues not addressed in the Legacy Consultation

GPNI are aware that not all issues in dealing with the past have been addressed in this consultation, but we wish to comment on those omitted as a matter of record. The consultation does not:

- Explore or address acknowledgement or corporate/organisation (non-state) or state/official apologies.
- Address the transgenerational impact of the Conflict/Troubles, or the place or role of young people in our society in these processes of addressing the past.
- Address the challenges faced by those who continue to experience Mental Health and trauma related problems
- Specifically address the possibility of a memorial or potential approaches to collective remembrance and commemoration.
- Specifically address the role or potential of the creative arts as a pathway into dealing with the past.
- Specifically address the impact of the Conflict/Troubles on wider society, or the relationships and themes that could be explored around, for example:
 - Specifically address Gender issues/dimensions
 - Address the roles, experiences, voices, and needs of those outside Northern Ireland;
 - Address the distinctive roles of the churches, media, schools, and the curriculum, etc.;
 - Address economic regeneration, tourism;
 - Address future policy development;
 - Address North-South and East-West regional initiatives and institutions

11. Conclusion

In conclusion GPNI have outlined what we see as the main issues in dealing with the past. There are some strengths to the structures and mechanisms but there are plenty of improvements to be made if we are to effectively address the needs of victims & survivors, families and future generations. A process that is fit for purpose and has the confidence of our society in the structures tasked with dealing with our troubled past is the objective. Therefore, the processes used to establish and operate these structures must from the outset be collaborative, inclusive, victim centred, independent and impartial.

