

NORTHERN IRELAND COMMITTEE – IRISH CONGRESS OF TRADE UNIONS (NIC-ICTU)

SUBMISSION TO NIO CONSULTATION ON “ADDRESSING THE LEGACY OF NORTHERN IRELAND’S PAST”

September 2018

INTRODUCTION

The Irish Congress of Trade Unions (ICTU) represents workers and their families on the island of Ireland. Uniquely in Europe ICTU spans two jurisdictions. It represents approximately 750,000 workers throughout Ireland, including over 200,000 workers in Northern Ireland.

Congress is the largest and most politically and culturally diverse civil society organisation on the island of Ireland. We have played an active role for many years in the pursuit of peace while also advocating on behalf of our members families and their communities.

In 1998 we recommended to our entire membership that they vote in support of the Good Friday Agreement. The key commitments in the Agreement recognised by Congress as having the potential to create a fair and just future included the provisions on equality of opportunity, human rights, a Bill of Rights for NI, with a particular emphasis on socio-economic rights, and a firm commitment to deal with legacy issues and the past. The vast majority of our members voted in favour of the Agreement.

Since political devolution we have supported the political process by constructively engaging with elected representatives; by returning to public campaigning in support of the peace process during the periods of suspension of the NI Assembly; and by bringing workers onto the streets in significant numbers on several occasions in response to those who have sought to undermine the peace process through acts of violence and intimidation.

Congress has also been engaged in embedding the peace process through practical action, such as acting as facilitators for decommissioning and facilitating agreement between the Northern Ireland Prison Service and Republican prisoners in Maghaberry Prison.

Congress is a full member of the civic society umbrella organisations the Equality Coalition and the Human Rights Consortium and in these capacities we have campaigned with our partners to make the GFA commitments on equality and human rights a reality.

From 2007-2008 we fully engaged in the Bill of Rights Forum, alongside our civic society allies, the churches, the business community and the political parties. .

At the Bill of Rights Forum all key stakeholders deliberated on issues including parades and protests, flags, symbols and related matters, cultural identity, and the rights of victims and survivors who were all the subject of extensive engagement. We recommend the dialogue continue and that the commitment for a Bill of Rights be honoured.

Our allies in the Committee on the Administration of Justice (CAJ), the UU Transitional Justice Institute and QUB Law¹ and have already produced their joint submission to this process, which has our support.

¹ <https://caj.org.uk/2018/08/30/response-to-nio-legacy-consultation/>

LEGACY OF THE PAST – A SPECIAL PENSION FOR INJURED PEOPLE

Congress supports the submission by the WAVE Trauma centre, in particular its call for reparations for seriously injured victims of the 'Troubles' in the shape of a lifelong pension which can adequately support them and their carers. We further support their suggestion that this pension be based on the model of the existing Industrial Injuries Disablement Benefit. WAVE estimate that around 500 people 'qualify' for this, and all parties have expressed support for the concept, albeit with reservations from some about a very small number of people who would qualify.

This is not a benefit or a charitable handout, but an acknowledgement of the unique circumstances which placed those 500 people in those cruel circumstances. It is not expensive (£3-4million per annum), and it is time-limited. This is, in many ways, affordable.

We recommend that the Secretary of State use her powers to act upon this as a matter of urgency, as too many people who were seriously injured during the conflict are facing an early death, premature mortalities brought on by the injuries they received decades ago.

LEGACY OF THE PAST – TRANSITIONAL JUSTICE

It is the view of Congress that it is quite evident that many in Northern Ireland, and other external actors, believe that there are two views of how to deal with the issue; one is best described as drawing a line in the sand and moving on. It is our considered opinion that this is not a sustainable strategy towards building the peace process in Northern Ireland. Congress believes that the Eames/Bradley Consultative Group on the Past had some very good recommendations which were unfortunately lost in emotional response to their view on reparation for victims.

Congress agrees with the viewpoint of the OHCHR, (Reparations Programme p12, 2008):

"Compensation is important but reparations work best when seen as part of a comprehensive justice policy, rather than as an isolated effort. The situation was worse when this is the only redress on offer, with no truth telling, criminal prosecutions or significant institutional reforms. This may give the impression that reparations are a bribe to buy the silence or acquiescence of the victims".²

It is obvious from a review of past bodies established, both judicial and non-judicial, that the legacy of the past incorporating four major principles, e.g., truth, justice, accountability and redress, are still outstanding and inhibit an acceptance of building a just and peaceful Northern Ireland. In that context, there appears to be a competition for the establishment of a hierarchy of victims. Congress believes that this is an impossibility and a barrier to progress. There are many types of victims arising from the conflict in Northern Ireland other than those who have been killed, injured or members of extended families of these categories.

Congress acknowledges there are many people in NI suffering from Post Traumatic Stress Disorder allied to a huge range of mental health issues arising from the negative impact of trauma inflicted or sustained by immediate family members, extended family members or indeed those who have witnessed violent related actions. Congress also acknowledges that

² <https://www.ohchr.org/Documents/Publications/ReparationsProgrammes.pdf>

there are a large number of campaigning groups from both the major communities seeking truth/investigation into particular actions or circumstances which for them demands closure.

To attempt to compile a hierarchical table of victims is beyond the competency of any lay person. Congress is of the view that to build on the peace in Northern Ireland, the buy-in of the vast majority of Northern Ireland citizens is essential. We are of the opinion that the NIHRC indicate a way ahead in their conclusion of their document *Dealing with Northern Ireland's Past - Towards a Transitional Justice Approach*³ (pp. 17 & 18) and the Independent CAJ Recommendations to the Multi Party Group on *Dealing with the Past – Investigating Troubles-Related Deaths*⁴.

CONGRESS RESPONSES TO QUESTIONS IN THE CONSULTATION DOCUMENT

Questions 1 to 13: We concur with the points made and concerns raised by the legal experts from CAJ/QUB Law/ UU TJI. 7

Question 14: Congress would argue that the provision of a pension for people seriously injured during the 'troubles', as outlined by WAVE in their Recognition for All campaign⁵ be considered under this category, and awarded without further delay to those with the misfortune to qualify. That would not address those 500 legacies, but it would assist them in a practical manner.

Questions 15-17: Congress has consistently supported and has helped enforce the equality provisions of Section 75 of the NI Act 1998. As socio-economic status is not one of the nine 'categories' covered under Section 75, the current system for addressing the past is deficient as it does not take into sufficient account the fact that most of the violence occurred in areas of high social deprivation and most victims were more likely to be from those areas, and consequently the toll of injured and murdered people disproportionately came from working-class backgrounds.

CONCLUSION

Congress appreciates the huge volumes of submissions which you are receiving, but is of the opinion that in order to create economic growth we must have a peaceful and stable society, based on a foundation of equality and human rights.

The trade union movement across Northern Ireland will continue to pursue policies of embedding peace in pursuit of a society rooted in equality and justice for all, this demands the direction of resources to those who have not benefited from the Peace Process. Such rationale should be based on objective need and not that of partisan party political splits of resources.

For the purposes of record we would like to remind the panel that the people of Northern Ireland voted overwhelmingly for the provision in the GFA (paragraph 1. (v) page2) which provides;

".....the power of the sovereign government with jurisdiction there shall be exercised with rigorous impartiality on behalf of all the people in the diversity of their identities and traditions and shall be founded on the principles of full respect for, and equality of, civil, political, social and cultural rights, of freedom from discrimination for all citizens, and parity of

³ http://www.nihrc.org/uploads/publications/NIHRC_Transitional_Justice_Report.pdf

⁴ <https://caj.org.uk/2013/08/21/s419-dealing-past-investigating-troubles-related-deaths-submission-multi-party-group-chaired-richard-haass/>

⁵ <http://www.wavetraumacentre.org.uk/campaigns/the-injured-campaign-recognition-for-all>

esteem and of just and equal treatment for the identity, ethos, and aspirations of both communities”.....

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