Northern Ireland Office

Consultation Paper – Response Form

DEALING WITH THE PAST IN NORTHERN IRELAND: THE RECOMMENDATIONS OF THE CONSULTATIVE GROUP ON THE PAST

Consultation response form

We welcome your responses and comments on the consultation. The deadline for responses is 2 October 2009. You can use this form to help you complete your response, but you can respond without using this form. A response can be submitted by letter, e-mail or fax to:

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THE LEGACY OF THE PAST AND RECONCILIATION

1. An independent Legacy Commission should be established to deal with the legacy of the past by combining processes of reconciliation, justice and information recovery. It would have the overarching objective of promoting peace and stability in Northern Ireland.

Do you agree with recommendation 1?

Yes No **Other-Qualified agreement**

Comments:

In addition to any responsibilities such a Commission would have, we consider it imperative that the causes of conflict be considered and strategically mapped to allow for a broader and deeper understanding of the resultant impact. Any mapping should reflect the political, social, and economic impact of the past in order that proper attention, funding, resources and services are most appropriately focused.

To what extent is it effective to combine processes of reconciliation, justice and information recovery within a single body?

Comments:

While all processes are relevant and necessary, we have concerns that the combination of all three within a single body suggests that they are interdependent when in fact they are mutually exclusive processes. We would hope that the approach of establishing a single body containing all three processes would not lead to a pre-dominance of one over the other.

What alternative ways would you propose to deal with the legacy of the past?

Comments:

We consider that any model created should strongly reflect the particular gender impact of the conflict on women. There should be a strong and robust investigation of the causes of the discrepancy of both treatments and outcomes for women in an attempt to prevent and/or limit trans-generational gender disadvantage. It is essential that the particular role and circumstances of women historically and currently

are considered to allow for effective models of remedial work and status enhancement to be undertaken.

The past should be dealt with by an independently created Commission with strong legislative autonomy, whose composition is gender balanced and comprises internationally recognised academics, activists and human rights advocates.

We would expect any Commission to be created and empowered by processes currently accepted as best practice in the field of international human rights.

2. A Reconciliation Forum should be established through which the Legacy Commission and the Commission for Victims and Survivors for Northern Ireland (CVSNI) would liaise to tackle certain society issues relating to the conflict.

Do you agree with recommendation 2?

Yes No **Other -Qualified agreement**

Comments:

It is difficult to comment on this matter in the absence of further detail as to the powers such a Forum would have. We would, however, welcome any such Forum which was independent, gender balanced and able to actively and effectively (backed by legislation and funding) consider past societal issues and suggest best practice on an evidence based approach.

We note with approval that children and young people are specifically mentioned in the Report. Issues around the particular circumstances for women should be a mandatory area for such a Forum. This would enable a sharing of information and expertise with the Thematic Examination Unit, who will consider "themes emerging from the conflict as a whole", which, if approached properly, will inevitably highlight the historical disadvantages of women and reasons for the same.

How might a Forum operate in practice, in relation to the organisations that might make up the Forum and other organisations outside of it?

Comments:
Any Forum should be reflective of society and therefore be gender balanced. The Forum should have discretion to engage with and hear from anyone they consider can further their aims and objectives. The Forum should be facilitated and funded to engage widely and its processes and outcomes should be transparent and public.

3. The Legacy Commission should be given a bursary of £100m to tackle these society issues.

Do you agree with recommendation 3?

Yes No **Other -Qualified agreement**

Comments:

We consider it impossible to allocate an amount of money before having started down the process proper. We do believe that the Commission should be well funded as would be required in order to deal with all the matters proposed in the Report.

How might the use of a bursary relate to existing expenditure on societal issues?

Comments:

This is a matter best explored when the full mandate of any Commission is discussed and extrapolated upon more fully. However, we do not consider that the creation of a Commission should result in already stretched societal resources being impacted negatively. Any bursary should be in addition to and with the aim of furthering and enhancing existing societal funding.

How is duplication avoided?

Comments:

By establishing cause, effect and symptoms and developing evidence based strategies to promote a sustainable and equitable society. Many lessons could be learned from existing services and programmes which already represent best practice in many areas covered by the proposed mandate of the Commission

VICTIMS AND SURVIVORS

4. The suffering of families from Northern Ireland and Great Britain should be recognised. The nearest relative of someone who died as a result of the conflict in and about Northern Ireland, from January 1966, should receive a one-off ex-gratia recognition payment of £12,000.

Do you agree with recommendation 4?

Yes No **Other -Qualified agreement**

Comments:

It is arguable that women have suffered disproportionately as a result of the conflict. Many were left without partners and were required to maintain families in very difficult circumstances. We have strong anecdotal evidence to suggest that women would like the option of applying for any payment, which they may want to use for education purposes, etc. for their children.

How do you believe the suffering of families could be better recognised?

Comments: **While supporting some form of payment, we also consider that it is essential that there is proper consideration of the causes of the conflict and that enforceable recommendations emerge from such consideration.**

5. The CVSNI should take account of, and address in their work programme, the present and future needs and concerns of victims and survivors, devoting attention to the provision of services, funding, healthcare needs and compensation.

Do you agree with recommendation 5?

Yes No **Other -Qualified agreement**

Comments: **Recommendations emerging from the CVSNI should be compulsorily implemented.**

Are the provision of services, funding, healthcare needs and compensation the areas which the CVSNI should prioritise?

Comments:

Are there other issues to which the CVSNI should devote attention?

Comments:

6. The Reconciliation Forum would also have a mandate to promote the improvement of services for healthcare issues attributable to the conflict, such as trauma, suicide and addiction.

Do you agree with recommendation 6?

Yes No **Other**

Comments:

Whatever the name of the body sanctioned with the improvement of such services, we would endorse an approach that goes beyond promotion but requires the body to actively seek ways of improving current services and identifying gaps in services. Such a body should also be empowered with making recommendations that must be considered and responded to by the appropriate authorities. Such an approach would lead to the identification of gaps in advice and service provision as well as clearly identify the current failure to prioritise gender specific services for women affected by the conflict.

How would a Forum promote improvements to healthcare services in practice and how would it work with those organisations that already deal with healthcare issues?

Comments: **See above.**

THE LEGACY COMMISSION

7. The Chair of the Legacy Commission should be an International Commissioner, who would also have specific responsibility within the Commission for addressing society issues through the Reconciliation Forum, tackling sectarianism, promoting reconciliation and administering the bursary. There would be two other Commissioners.

Do you agree with recommendation 7?

Yes No **Other - qualified agreement**

Comments:

We consider that it should be possible for all Commissioners to come from the international arena. We would anticipate that the Commission would be established and operate under accepted international standards. We would also expect women to make up members of the Commission.

Are there other ways that international figures can help to deal with the legacy of the past?

Comments: **International figures and experts in their fields as well as local experts should be utilised to provide advice, assistance and research which would better inform the decisions and actions of the Commission.**

8. The mandate of the Legacy Commission would consist of four strands of work:

-helping society towards a shared and reconciled future, through a process of engagement with community issues arising from the conflict;

-reviewing and investigating historical cases;

-conducting a process of information recovery;

-examining the linked or thematic cases emerging from the conflict.

Do you agree with recommendation 8?

Yes No **Other - qualified agreement**

Comments:

We would have concerns that the structures suggested may lead to the exclusion of the broad and specific experience of women during the conflict. If the process of examination is confined to linked or thematic cases only, then it is unlikely that issues specific to women will emerge for examination. This would lead to women specific issues being left to fall within the societal issues without proper examination. We would find such an approach unacceptable as it would reinforce the current approach of failing to identify gender issues relative to women as requiring particularly focused attention.

Are there other strands of work which should be taken forward?

Comments: **Please see additional comments.**

9. The Legacy Commission's mandate would be for a fixed period of five years.

Do you agree with recommendation 9?

Yes **No** Other

Comments:

We would be anxious that enforcing a mandatory time limit will result in issues relating to women being given cursory attention at the expense of more political issues.

It is our experience historically and currently that gender issues are not broadly recognised as requiring specific attention. With the anticipated volume of work detailed to be undertaken by the Commission, we would fear that the absence to even consider specific issues relative to women within the final report of the CGOP represents a systemic failure that has the potential to be mirrored in any process built on this flawed approach.

Would it be helpful for a Legacy Commission to have an option for a second period of a further five years?

Comments: **This may prove useful if proper areas are identified and require further time to address.**

Could you envisage a different remit in the second five year term?

Comments: **It may be the case that the first five years could enable proper identification of the pertinent issues and allow relevant and focused research to be carried out. Stage two of this process could occur in additional years when reports could be prepared and the implementation of recommendations could be commenced and evaluated.**

10. The Office of the First Minister and Deputy First Minister (OFMDFM) should join the British and Irish Governments in implementing this initiative.

Do you agree with recommendation 10?

Yes No Other

Comments:

We consider this essential to ensure the broadest support and engagement with any process created.

What should the roles of the British Government, the Irish Government and the devolved administration be in taking forward proposals to deal with the legacy of the past?

Comments:

Their involvement should ensure that best practice at international standard is adapted in the creation, implementation and working of any Commission established. This must include internationally recognised provisions relating to women, for example, CEDAW and UNSCR Resolution 1325. The Governments and administration should also undertake to endorse and enforce any recommendations made by the Commission.

SOCIETY ISSUES

11. Society issues arising from the conflict which should be tackled include: addressing sectarianism; promoting remembering activities; working with young people; providing improved services for healthcare needs; ensuring an even spread of economic benefits; and helping those exiled from Northern Ireland during the conflict to return.

Do you agree with recommendation 11?

Yes No **Other - qualified agreement**

Comments:

We consider it imperative that the role and position of women during post-conflict be analysed. Such an important area of impact should not be left to chance and any Commission should be mandated to include this area within its "essential" items. While acknowledging that the role, perspective and disadvantage experienced by women cuts across many of the issues advanced for consideration, we feel it is essential that women are considered as a separate group. The reason for this is twofold: firstly, the specific experiences of women within their communities and families needs to be explored thoroughly in order that a proper understanding of the unique role of and impact on women is appreciated. Secondly, despite the apparent legislative advances aimed at promoting gender equality, there has been little tangible improvement in the lives of women across all sectors in Northern Ireland. A separate theme dealing specifically with women would send out a strong message that the specific role and disadvantage faced by women is acknowledged and is to be faced in a robust and positive manner.

Should societal issues be dealt with by a Legacy Commission?

Comments:

Subject to the preceding comments, we take no issue with the Legacy Commission dealing with societal issues so long as the Commission did not just reflect back what is already known but actively sought to identify and address the issues pertinent to women.

If not, are current arrangements to address these issues adequate? What changes would you purpose?

Comments:

There has never been a root and branch consideration of the causes and specific impact of the conflict in Northern Ireland. In the absence of this approach, current arrangements can only ever be piecemeal.

We would endorse any approach that thoroughly and honestly considered cause and effect and sought to respond to such findings to tangibly improve the lives of all women in Northern Ireland who have been affected by the conflict.

Are the issues highlighted by the Group the right issues to be tackled?

Comments: **Please refer to preceding answers.**

12. The Reconciliation Forum should help to address these issues by analysing activity undertaken; considering the need for further activity; giving advice to Government and others; advising on strategies and on development and delivery of services; and deciding on priority areas of activity.

Do you agree with recommendation 12?

Yes No **Other - qualified agreement**

Comments:

We would expect the Reconciliation Forum to seek to identify gaps in current activity by undertaking or commissioning independent research so that an evidence based approach to reconciliation may be implemented. If current reconciliation activity is taken as the baseline then already the process would exclude and silence women as a homogenous group who make up half the population. While some existing activities embrace specific issues relevant to women, they tend to be *subject* specific (e.g. prisoners families) rather than *gender* specific. Unless such a gender specific approach is taken, it will not be possible to properly address the issues relating to women as reconciliation processes and international human rights standards require.

In addition, we consider that any recommendation emerging from the Reconciliation Forum should have considerable weight for proposed implementation and if recommendations are not taken forward then the decision making process leading to its refusal should be open and transparent.

Are these the right functions for a Reconciliation Forum?

Comments: **Subject to above, we feel further information relating to the actual reconciliation process to be undertaken is required before issue specific functions are considered.**

13. The Legacy Commission should act as a champion for these society issues.

Do you agree with recommendation 13?

Yes No **Other - qualified agreement**

Comments:

Yes - Subject to the proceeding caveats detailed above.

Should it be for the Chair of a Legacy Commission to champion societal issues?

Comments:

All strands of the Commission should seek to identify gaps and promote and enhance societal issues.

How would the Chair's champion function relate to other bodies working on societal issues, including any Reconciliation Forum?

Comments:

There should be a clearly identifiable commonality of approach to avoid repetition and promote cohesion, confidence and sustainability.

14. The Legacy Commission should take the lead in ensuring that sectarianism continues to be addressed, including through setting the direction for the debate and by highlighting the contribution that all sectors of society can make.

Do you agree with recommendation 14?

Yes No **Other - qualified agreement**

Comments:

Setting the direction for debate should be established on an evidence based approach.

Is the concept of a challenge function as envisaged by the Group the right way to address this problem?

Comments:

Should it be for the Chair of a Legacy Commission to challenge sectors of society to tackle sectarianism?

Comments:
We consider that the Chair should challenge and facilitate change by advocating for funds and services that would enable sectarianism to be challenged.

How would the Chair's lead role on sectarianism relate to other bodies working on societal issues, including any Reconciliation Forum?

Comments: **We would welcome a role that enabled open and transparent communication across all levels to seek to promote and protect the best interests of all those effected by the conflict, specifically identifying and including women.**

15. The Legacy Commission should engage specifically with the Christian Churches in Northern Ireland to encourage them to review and rethink their contribution to a non-sectarian future in light of their past, particularly in the area of education.

Do you agree with recommendation 15?

Yes No **Other - qualified agreement**

Comments:

All education and faith providers should be encouraged in such a way.

16. The guidance produced by the Quigley-Hamilton working group, to eliminate discrimination against those with conflict-related convictions, should be incorporated into statute and made applicable to the provision of goods, facilities and services as well as recruitment.

Do you agree with recommendation 16?

Yes No Other

Comments:

This is an area which impacts significantly on women and limits both social and economic potential. The suggestion to take such action would greatly enhance the livelihood and potential for very vulnerable women and their families.

Are there alternative or additional measures which could or should be taken in relation to conflict-related convictions?

Comments:

We are aware of anecdotal evidence that newly introduced police checks are resulting in employers becoming aware of historical conflict related convictions which had not previously necessitated disclosure. We feel this is an area which requires greater consideration as it impacts on women who have held jobs for many years and who now face the choice of either risking/accepting discovery or of leaving their job. The societal and financial impact on women and their families can be catastrophic in such circumstances.

PROCESSES OF JUSTICE AND INFORMATION RECOVERY

17. A new independent Unit dealing with historical cases would be created within the Legacy Commission, which would continue to review and investigate historical cases, backed by police powers. This would constitute the second strand of the Commission's work.

Do you agree with recommendation 17?

Yes No Other

Comments:

We would have concerns that current police powers may not be enough to enable the Legacy Commission to properly deal with historical cases.

Would it be an improvement on the present arrangements?

Comments:

The current powers do not facilitate fully attempts to obtain the truth about issues and therefore additional and appropriately focused powers would need to be considered.

If a new Unit were established, how should it determine which cases it should examine?

Comments:

Whichever way the criteria is set, we believe that there should always be the option for families to seek to have their specific circumstances or incidents investigated. The criteria should be sufficiently broad that all those needing or wanting to access are free to do so.

18. The new Review and Investigation Unit would take over the work of the Historical Enquiries Team and the Police Ombudsman's Unit dealing with historical cases. The need for these would fall away when the new Unit is established. The new Unit would build on the work they have done to date.

Do you agree with recommendation 18?

Yes No **Other - qualified agreement**

Comments:

We would prefer to see any replacement being developed after the areas of deficiency and gaps in powers of existing mechanisms has been established. Only then can any new unit properly and comprehensively build on the success and address the defects currently faced by agencies involved in historical cases.

It is also essential that any unit created is completely independent, gender balanced and adheres to international standards as regards transparency, accountability and remit.

What are your views on the advantages and disadvantages of transferring to a new Unit the work of the HET and the work of the Police Ombudsman's Unit dealing with historical cases?

Comments:

See above.

What view should a new Unit take of work already undertaken by the HET and Police Ombudsman?

Comments:

A new unit should have full powers of reconsideration and review of work already undertaken by the HET and PONI as such a unit should be completely independent of the police.

19. The process of recovering information of importance to relatives (information recovery) would be separated from the investigation procedure and be subject to a distinct process within the Legacy Commission under a separate Commissioner. This would constitute the third strand of the Commission's work.

Do you agree with recommendation 19?

Yes No **Other - qualified agreement**

Comments:

Our priority would be that families have full involvement in how the information obtained is treated and that they understand all decisions taken as a result of information obtained.

Should information recovery be separate from investigations?

Comments:

It is difficult to envisage how these can be separated out. It will by necessity be a case by case approach as to whether information obtained requires further investigation.

Do you agree with the use of protected statements?

Comments:

In addition to the ways envisaged in the CGOP, we would strongly favour the option of protection and possible anonymity for women who take part in any process deigned to garner the voice and experience of women. As detailed in the "Additional Comments" section at the end, women who would like to detail their reasons for non-disclosure of domestic violence cases during the conflict require protection in doing so and should be facilitated in whatever way enables the best evidence to be heard.

How could a Unit of the kind proposed protect the rights of people involved in the information recovery process, including those named in protected statements?

Comments:

See above.

Is it more likely that people would come forward to provide information under this system?

Comments:

Any system designed in a realistic and empathetic way working in the best interests of those who seek to engage with it will undoubtedly achieve greater success.

20. In the fourth strand of its work, the Legacy Commission would examine themes arising from the conflict which remain of public concern, such as specific areas of paramilitary activity, or alleged collusion. This thematic examination would take place without public hearings. This would facilitate more open and frank disclosure and avoid the constant publicity of present inquiry proceedings.

Do you agree with recommendation 20?

Yes **No** **Other - qualified agreement**

Comments:

We do not necessarily agree that the absence of public hearings will result in more open and frank disclosure. We have serious concerns that such a blanket approach to potential information being disclosed offends human rights legislation at both domestic and international level. While we accept that the nature and content of certain disclosure may fall within the remit of national security and therefore warrant privacy, we feel that it is imperative that each possibly sensitive disclosure is dealt with on a case by case basis and that the process for making such decisions is clear, transparent and challengeable.

What are your views on the proposal that thematic examinations be held without public hearings?

Comments:

See above.

Should a Unit of the kind proposed have the power to compel witnesses?

Comments:

Without such a power and appropriate sanction for refusal to engage, it would be difficult to envisage a proper and robust process.

Do the proposed procedures protect the rights of people compelled to give evidence and those named in evidence?

Comments: **They have the potential to do so.**

21. There would be no new public inquiries. The question whether to proceed with the promised Finucane Inquiry is a matter for the British Government but the issues raised by this case could be dealt with by the Legacy Commission.

Do you agree with recommendation 21?

Yes **No** Other

Comments:

We feel this recommendation cannot be endorsed without a fully comprehensive understanding of what exactly is proposed to take the place of public inquiries. It remains unclear at this stage what legislative powers and authority the Commission would have and therefore it is not possible to compare their framework with the Inquiries Act and identify areas of improvement or concern.

What are your views on the use of public inquiries in relation to historical cases?

Comments:

It is not possible to answer this question in the absence of outcomes from any public inquiry undertaken in Northern Ireland. However, while the Inquiries Act is not without its problems, we note there has been a level of involvement from public authorities not previously seen in Northern Ireland. We have concerns, however, that most of the legal teams at such inquiries represent and serve to protect the interests of government departments. Having 7 or 8 different legal teams all effectively representing arms of the same government is neither cost-effective nor does it indicate a willingness to facilitate truth recovery.

22. The outstanding Inquests would remain with the Coroners Service. Criminal case reviews would continue to be pursued through the Criminal Cases Review Commission.

Do you agree with recommendation 22?

Yes No **Other - qualified agreement**

Comments:

We do not consider that such an approach should automatically prevent relevant cases falling within the remit of the Commission.

Should a Legacy Commission be given the task of monitoring the burden of inquests and criminal case reviews?

Comments: **We do not consider either inquests or criminal case reviews to be a burden but rather essential processes within a democracy. In addition, please see comments immediately above.**

23. The Group is not proposing an amnesty but recommends that the Legacy Commission itself make recommendations on how a line might be drawn at the end of its five-year mandate so that Northern Ireland might best move to a shared future.

Do you agree with recommendation 23?

Yes No **Other - qualified agreement**

Comments:

We would express concerns that such a politically sensitive issue would have the potential to destabilise any advancements made after 5 years. However, we are aware that this is a difficult issue and has not attracted any political agreement.

Do you believe it will be possible to find a mechanism to "draw a line" after 5 years?

Comments:
We like to believe that anything is possible if a genuine will exists to realise it.

What are your views on the question of amnesty?

Comments:

REMEMBERING

24. The Legacy Commission should, through the Reconciliation Forum, support CVSNI in facilitating and encouraging the telling of stories, including by young people, about the impact of the conflict on individuals and communities; and the stories of intra-communal differences.

Do you agree with recommendation 24?

Yes No Other

Comments:

We consider that the telling and documentation of stories is essential to aid recovery and resolution of past hurts. We feel that the stories of women should be identified as a separate theme as this would aid an evidence-based approach to identifying deficiencies and potential remedies as well as providing a historical time-line for experiences and disadvantage.

How do you think an enhanced mechanism for storytelling would help address the legacy of the past?

Comments:

See above.

Should the existing bodies which enable storytelling remain independent or encouraged to work more closely?

Comments:

We would welcome anything that enabled the identification of themes, such as the experiences of women.

Should it be for the CVSNI to facilitate storytelling? How could a Legacy Commission and Reconciliation Forum support this work?

Comments:

There are mechanisms in existence at present which could be learned from and built upon.

What more could be done on this issue?

Comments:

See preceding answers.

25. CVSNI should also be supported in developing the existing ways in which the conflict and its impact are remembered. This should include the development of educational projects; providing support and guidance for those facilitating remembering projects in line with certain criteria; and promoting the value of remembering across society as a means of achieving reconciliation.

Do you agree with recommendation 25?

Yes No **Other - qualified agreement**

Comments:

We agree subject to our view that the experiences and impact on women should be an individual theme from which lessons can be learned and taught.

Do you agree that the CVSNI should lead work around remembering?

Comments: **In collaboration with other bodies having undertaken research in this area and in conjunction with the broader community.**

What kinds of educational programmes might be developed to support work around remembering?

Comments: **Programmes developed should be evidence-based and should be implemented into the wider community and school curriculum.**

26. Future Storytelling initiatives should be developed taking account of certain criteria.

Do you agree with recommendation 26?

Yes No **Other**

Comments:

Depends on the criteria being suggested.

What steps might future initiatives take to meet the goals set out by the Group, particularly in terms of ensuring that 'story hearing' as well storytelling takes place?

Comments: **Engagement and involvement with existing voluntary and statutory groups and with the curriculum would go a long way to reaching this goal.**

27. Full support should be given by government, the private and voluntary sector, including the churches, to the continuation of the annual Day of Reflection, initiated by Healing Through Remembering, on 21st June each year. Consideration should be given to renaming the event a Day of Reflection and Reconciliation.

Do you agree with recommendation 27?

Yes No **Other - qualified agreement**

Comments:

We believe this should include all faith and non-faith groups. We consider that the most appropriate way forward is to research and engage the wider population to identify the name to be given to any such day.

Do you think such a day should be one of private reflection or should there be public statements by key organisations and statutory bodies?

Comments: **Research in this area would help identify what method or combination of methods would be the most appropriate and supported.**

How would this work?

Comments: **As above.**

28. Each year, on or around the Day of Reflection and Reconciliation, the First Minister and Deputy First Minister should together make a keynote address to the Northern Ireland Assembly and invited guests, reflecting on the past in a positive way and confirming their commitment to lead Northern Ireland society towards a shared and reconciled future.

Do you agree with recommendation 28?

Yes No Other

Comments:

See answers to question 27.

Which other mechanisms would you propose to reflect effectively upon the past?

Comments: **See above.**

29. The Reconciliation Forum should take the lead in implementing an initiative, at the end of the five year mandate of the Legacy Commission, whereby Northern Ireland, with the support of the two Governments and the Northern Ireland Assembly, should conduct a ceremony remembering the past and all those who suffered during the conflict.

Do you agree with recommendation 29?

Yes No Other

Comments:

Research should be carried out to ascertain whether such an approach would be supported by all in Northern Ireland.

What do you think such a ceremony should involve? How would this work in practice?

Comments: **See above.**

How should the two governments and the Northern Ireland Assembly support this work?

Comments: **Whatever way forward is identified following research, it should attract full support and endorsement from political agencies.**

30. The Group therefore recommends that the Commission should, at the end of its work, challenge the people of Northern Ireland, including political parties and whatever remnant or manifestation of paramilitary groups remain, to sign a declaration to the effect that they will never again kill or injure others on political grounds.

Do you agree with recommendation 30?

Yes No Other

Comments:

We feel that such a declaration would be symbolic rather than practicable, though we welcome any potential commitment to never repeat the violence and discrimination of the past.

Would you be willing to sign such a declaration?

Comments: **See above.**

Who else do you think should sign such a declaration?

Comments: **See above.**

How would such a declaration be used in practice?

Comments: **See above.**

31. A shared memorial to remember conflict in and about Northern Ireland should be kept under consideration by the Reconciliation Forum and criteria should be observed, in working towards a shared memorial conducive to reconciliation. The Legacy Commission should, at the end of its five year life-span, make recommendations to Government in this regard.

Do you agree with recommendation 31?

Yes No Other

Comments:

We consider that research is required with the Northern Ireland public to identify a suggestion best placed to garner the broadest support.

What are your views on a shared memorial?

Comments:

See above.

How do you believe this would help?

Comments:

See above.

Do you agree with the criteria suggested by the Group?

Comments:

Who do you think should be responsible for any future work on memorials?

Comments:

Additional comments

As detailed in our answers, we believe that the there has been a failure to date to properly consider or address the role of women and the impact of the conflict on women. Women represent the wives, daughters and mothers of those killed, injured and imprisoned as well as being ex-prisoners and ex-combatants themselves. Women have suffered in conflict in specific ways that have been totally unexplored and unacknowledged - one example is as victims of domestic violence: unable to deal with the matter if the perpetrator is a paramilitary and unable to report the matter if their community forbids communication and interaction with the police. This particular example continues to be a real and present reality for many women, yet there is a dearth of acknowledgment or funding into research to explore this matter further.

Women in rural areas have also suffered disproportionately in that funding has been necessarily addressed to security issues in major towns and cities whilst their plight and particular circumstances has been ignored. In a new dispensation it is imperative that women in rural areas are listened to and responded to appropriately so that their historic invisibilty is not mirrored in a post-conflict society.

Of particular significance is the failure of public authorities and the devolved assembly to promote and realise the active and recognised participation of women within their structures. The underrepresentation of women on public bodies and at political level deeply worrying and problematic. We feel that the plethora of legislation and policy introduced with the aim of "equalising" the staus quo has resulted in an equalistion down as regards women. The belief would appear to be that once mechanisms are in place to promote equality and participation then that particular area has been dealt with. Yet studies show that in this new era for Northern Ireland, women are not facilitated in any real

terms to play a role commensurate with their 50% representation in society. We feel that this outcome was self-fulfilling: women were not recognised for their roles and experiences throughout the conflict and therefore their invisibilty cannot but be mirrored in the post-conflict structures. We expect the structures proposed to deal with the legacy of the past take this as their starting point and seek to address this gross inequality.

We would also like to specifically highlight that our expectations as to what is required to address the persistent voicelessness and inequalities faced by women are in line with the governments international and national human rights obligations. Both the UK and Irish governments have signed and ratified CEDAW and are bound to implement the provisions therein. We would also specifically expect the endorsement and implementation of UN Resolution 1325 which directly addresses the role of women in post-conflict socities.

We have sought to be constructive in our reponses and to this end have only addressed in detailed ways those areas we have been able to ascertain as being of particular and immediate concern to women in Northern Ireland. It should be clarified that the absence of a detailed answer in any particular section does not indicate a neutral position on that topic - it simply suggests that we do not consider the proposal or question, as drafted, to have a direct impact on women subject to further clarification and expansion as to what is proposed.

It is our understanding that further consultation is to be undertaken following this round of consultation. We would hope at that stage that greater clarification would be available as to the potential reach and impact of any recommendations which would enable us to make a more detailed, relevant and focused response.

Equality

Do you believe that any of the Consultative Group's proposals will have a positive impact on people within any of the section 75 categories?

Comments:

Only if gender specific issues relative to women as detailed throughout our response are recognised and addressed.

Do you believe that any of the Consultative Group's proposals will have an adverse impact on people within any of the section 75 categories?

Comments:

If so, are there any measures that should be implemented to mitigate against adverse impact on people in the section 75 categories?

Comments:

Will any of the proposals affect the promotion of good relations between persons of different religious belief, political opinion or racial group?

Comments:

Do you have any other comments on the equality impact of these proposals?

Comments:

Alternative formats

An electronic version of this document is available to view and download from the Northern Ireland Office's website: www.nio.gov.uk. Hard copies will be posted on request. The text phone details are provided above. Copies in various other formats, including large print, Braille, audio cassette, computer disk etc may be made available on request. If you wish to access the document in an alternative format or language, please let us know and we will do our best to assist you.

Confidentiality of responses

Following completion of the consultation process a summary of responses will be published. Unless individual respondents specifically indicate that they wish their response to be treated in confidence, their name and the nature of their response may be included in any published summary of responses. Respondents should also be aware that our obligations under the Freedom of Information Act may require that any responses not subject to specific exemptions under the Act be disclosed to other parties on request.

The Consultation Criteria

The Government has adopted a set of criteria for consultations, which apply to public consultations by government departments. These are set out below.

Criterion 1 When to consult

Formal consultation should take place at a stage when there is scope to influence the policy outcome.

Criterion 2 Duration of consultation exercises

Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

Criterion 3 Clarity of scope and impact

Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

Criterion 4 Accessibility of consultation exercises

Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

Criterion 5 The burden of consultation

Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

Criterion 6 Responsiveness of consultation exercises

Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

Criterion 7 Capacity to consult

Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

The code does not have legal force but is regarded as binding on UK departments and their agencies unless Ministers conclude that exceptional circumstances requires a departure from it. The full code may be viewed at:

www.berr.gov.uk/whatwedo/bre/consultation-guidance/page44420.html

If you have any concerns or complaints about this consultation, or you have any other observations about ways of improving the consultation process, then please contact the Northern Ireland Office's consultation co-ordinator, Donna Knowles, at:

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