



Knowledge Exchange Seminar Series (KESS)

...is a forum that encourages debate on a wide range of research findings, with the overall aim of promoting evidence-informed policy and law-making within Northern Ireland



Time for Redress for those Bereaved during the Troubles

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Outline

INTRODUCTION

**HISTORICAL
PAYMENTS**

**INJURED VICTIMS
SCHEME**

**BEREAVED PAYMENT
SCHEME**

Eligibility

CHALLENGES



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Introduction

- Any future investigations are unlikely to secure many convictions, even then will only be 2 years max sentence
- Any truth recovery is likely to be limited
- UN Special Rapporteur on Truth, Justice, Reparations and Non-Recurrence Pablo de Greiff - said need for systematic truth, justice and *reparations*
- 'Reparations for victims should be tackled seriously and systematically' 2016/2021
- Reparations as measures to acknowledge and remedy the harm suffered by victims, including compensation, rehabilitation and memorialisation



Historical Payments



Ann Ogilby
1974

Awarded £149



**Dr Gordon Hamilton
Fairley**
1975

**Awarded -
£40,000**

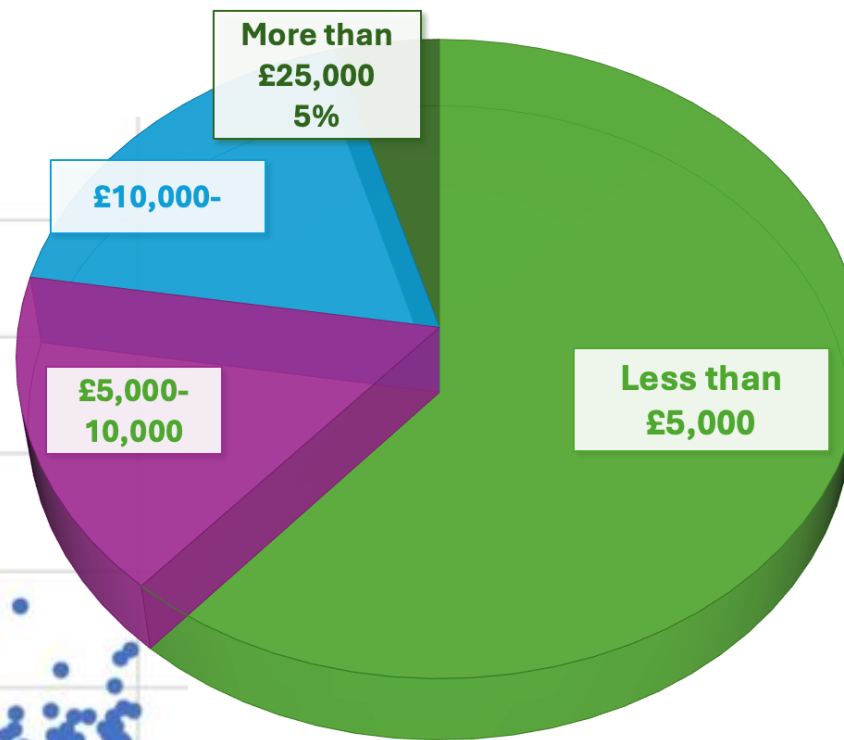
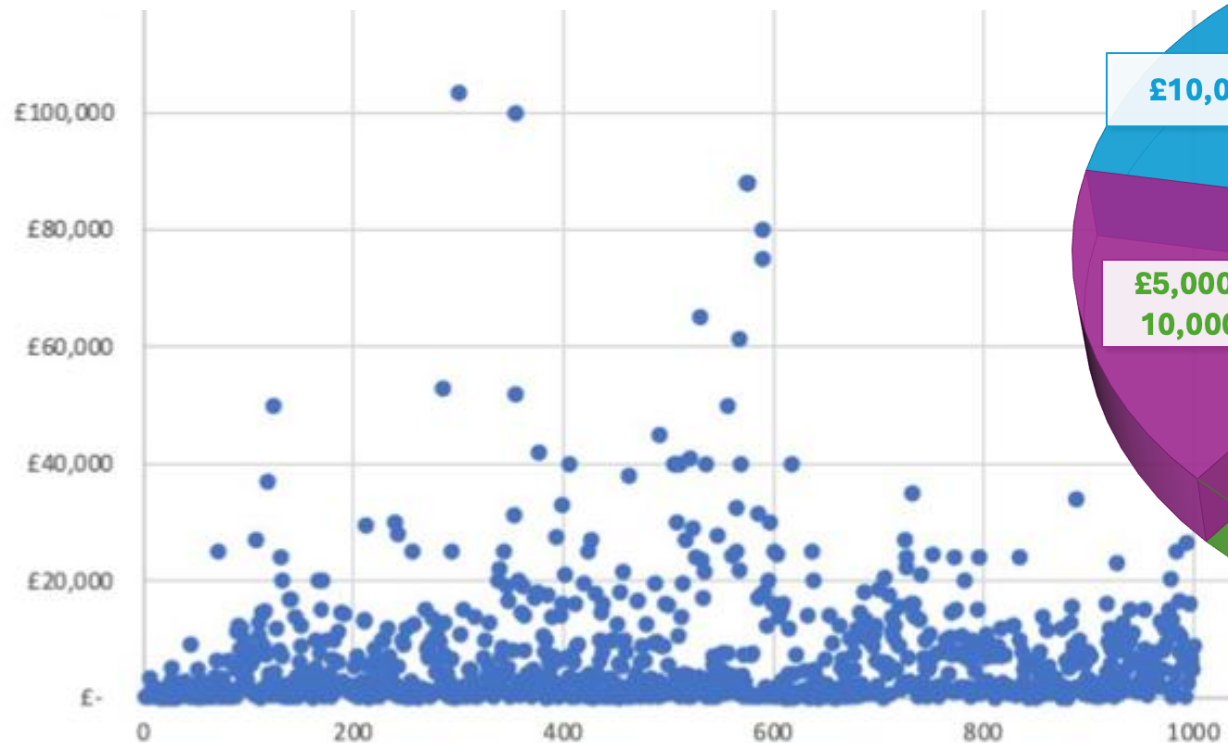


**Lieutenant-Colonel
David Blair**

1979

Awarded - £125,000

Eligibility based on dependance and valued based on deceased person's income





Consultative Group on the Past 2009

- £12,000 'recognition payment'
 - '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.'
- Comparable to the Irish Government's Remembrance Commission Acknowledgement Payment.

Injured Victims Scheme



- Never set up to deal with bereaved
- Intended to open the door for a bereaved scheme
- Bereaved can only claim Troubles Permanent Disablement Scheme if they are:
 - **'present in the immediate** aftermath of a Troubles-related incident in which a loved one died or suffered an injury. This includes a time when a loved one was in the **same condition** as they would have been at the scene of a Troubles-related incident'
 - 'any time when a loved one witnessed the victim in the same condition as they would have been at the scene of the Troubles-incident.'
 - attending a loved one in hospital
 - married/partners or parent/child, may include siblings, grandparent/grandchild

GN03/21

CVSNI Advice

Advice to Government
on provision of a bereavement
payment scheme and services
for people bereaved as a result
of the Troubles / conflict.

Prepared by the
Commission for Victims and Survivors
for Northern Ireland

December 2023



1. Meaningful payment;
2. Statutory scheme to ensure certainty and legally enforceable rights;
3. Beneficiaries spouse/partner, child and siblings;
4. One-off payment;
5. Date parameters from 1966-;
6. Qualifying individuals should be able to access the scheme, regardless of where they live;
7. non-means tested;
8. actuarial specialist;
9. Scheme include appeals process;
10. Monitoring and review mechanism;
11. Equality Impact Assessment as part of consultation;
12. Communication strategy and action plan



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CVSNI Costings

Table 2, Costings⁸⁹

One off payment

Relation	Number of beneficiaries	£10,000	£20,000	£50,000	£100,000
Spouse Children Parent	6828	£68,280,000	£136,560,000	£341,400,000	£682,800,000
Sibling	6107	£61,070,000	£122,140,000	£305,350,000	£610,700,000
		£129,350,000	£258,700,000	£646,750,000	£1,293,500,000

Recurrent payment £2000 per annum⁹⁰

Relation	Number of beneficiaries	£2000 p/a	10 years	20 years	30 years
Spouse Children Parent	6828	£13,656,000	£136,560,000	£273,120,000	£409,680,000
Sibling	6107	£12,214,000	£122,140,000	£244,280,000	£366,420,000
			£258,700,000	£517,400,000	£776,100,000

Recurrent payment £5000 per annum

Relation	Number of beneficiaries	£5000 p/a	10 years	20 years	30 years
Spouse Children Parent	6828	£34,140,000	£341,400,000	£682,800,000	£1,024,200,000
Sibling	6107	£30,535,000	£305,350,000	£610,700,000	£916,050,000
			£646,750,000	£1,293,500,000	£1,940,250,000

Bereaved Payment Scheme

1

PAYMENT

To be determined by the board

2

STATUTORY BASIS

Secondary regulation

3

BENEFICIARIES

Five categories

4

ONE OFF PAYMENT

In most cases

5

DATE PARAMETERS

1966-2010



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Guiding Principles

- (a) prioritising, and being responsive to, the needs of those affected by Troubles-related incidents, in a victim-centred and trauma-informed way;
- (b) being transparent and communicating effectively with the public and those affected by Troubles-related incidents;
- (c) the Scheme being straightforward and simple to navigate;
- (d) applications being determined promptly;
- (e) personal data being handled sensitively; and
- (f) the fundamental purpose of the Scheme.



Fundamental Purpose

Acknowledge the harm suffered by those who were killed during the troubles and by their family and associates, and thereby to promote reconciliation between people in connection with Northern Ireland's troubled past

- Guides board's discretion to deal with difficult cases who could undermine purpose



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ELIGIBILITY

WHO CAN APPLY?

Regulation 7

A person (“the bereaved person”) is entitled to apply for a bereavement payment in respect of a person who was **killed in a Troubles-related incident (“the deceased”)** if each of the entitlement conditions is satisfied:

- Condition 1 - bereaved person had a family relationship with the deceased within one of the categories set out in regulation 8.
- Condition 2 is that the Troubles-related incident took place— 1 January 1966 and 12 April 2010 (regulation 6(3)).
- Condition 3 is that the Troubles-related incident took place in the United Kingdom; or the Troubles-related incident took place elsewhere in Europe...

Regulation 8

Category 1 - **spouse/partner** of deceased.

Category 2 - **child** of deceased.

Category 3 is **parent** of deceased.

Category 4 is a **sibling** of deceased.

Category 5 is **dependant** of deceased



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Comparison to Injured Scheme

Same

- Dates 1966-2010
- Location
- Purpose and principles
- Relevant convictions

Different

- Eligibility based on relationship, not injury - no need to prove harm
- Lump sum



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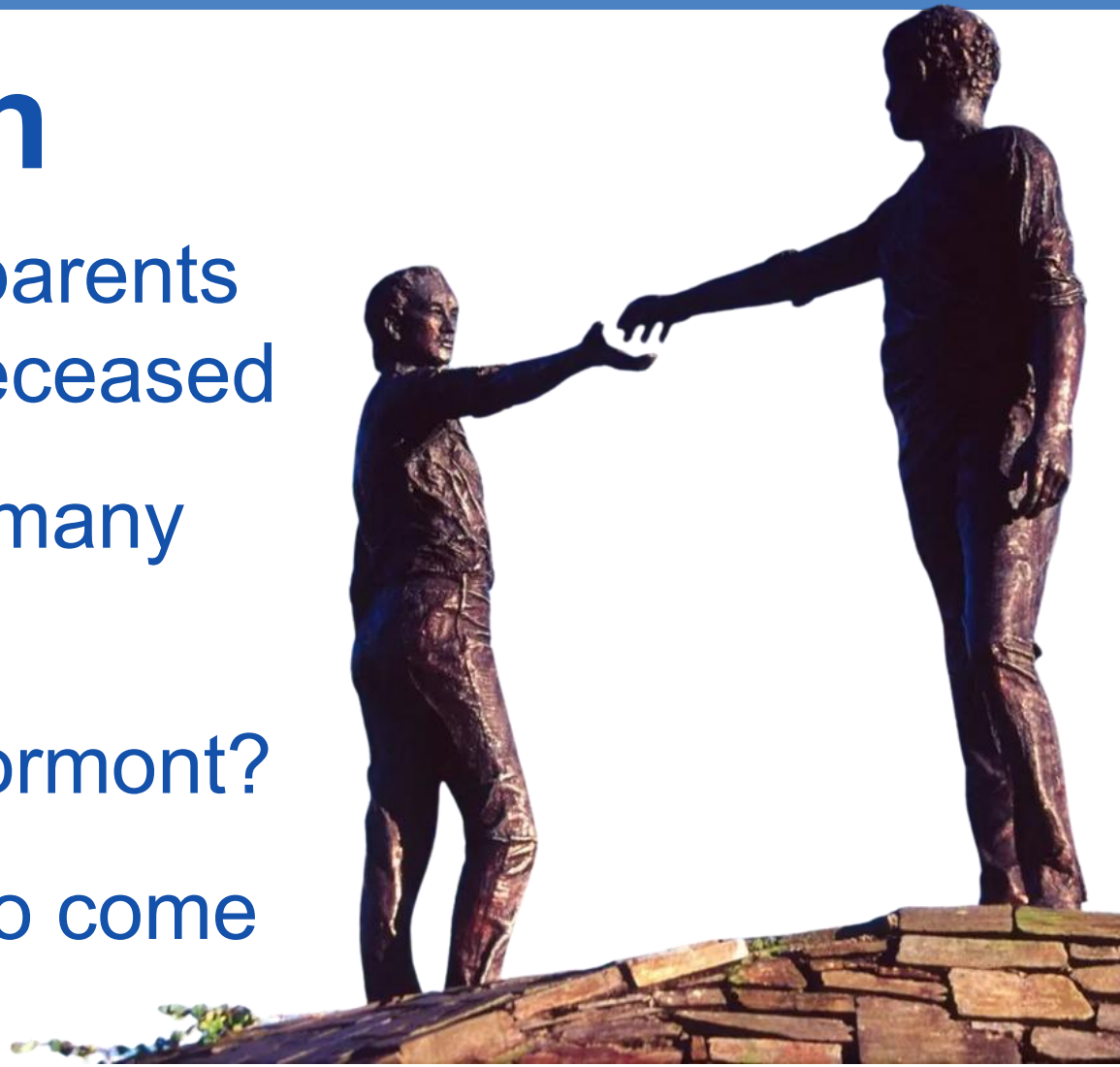
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Conclusion

- Most bereaved parents are now likely deceased
- Last chance for many victims
- What role for Stormont?
- Funding needs to come from London





Northern Ireland
Assembly



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