



Northern
Ireland
Office

Equality Impact Assessment

**Proposals for addressing the legacy of
Northern Ireland's past**

May 2022

TABLE OF CONTENTS

Executive Summary	2
Introduction	4
Aims of the policy	6
Data and research	9
Assessment of impacts	13
Mitigation & Alternative Approaches	18
Consultation	20
Decisions on Results of EQIA	22
Monitoring for adverse impact in the future	23

Executive Summary

1. This Equality Impact Assessment (EQIA) builds on other consultation and stakeholder engagement work and provides an analysis of policy proposals for addressing the legacy of Northern Ireland's past (the 'legacy' proposals) and their impacts on the nine categories set out in Section 75 of the Northern Ireland Act 1998¹. The exercise was considered necessary by the Northern Ireland Office, as two equality screening exercises, conducted on the basis of responses to a previous consultation on draft legacy proposals and wider evidence gathering and engagement, indicated the potential for a 'major' impact. This was because, although the UK Government considered that the proposals will generally have a positive impact across all Section 75 groups, they are of strategic importance, and the potential equality impacts are complex. It is also recognised that the completion of an EQIA might have wider benefits, including the identification of additional ways to enhance both equality of opportunity and good relations. Where any impacts have been identified, appropriate mitigations will be considered.
2. The UK Government wants to deal with the past in a way that focuses on providing information to as many victims and families as possible. The policy intent is to help Northern Ireland's wider society to look forward rather than back by delivering measures intended to facilitate reconciliation.
3. The EQIA considered the evidence and information gained through the 2018 & 2021 Equality screenings, the widespread public consultation on the draft Stormont House Agreement Bill in 2018, and significant subsequent engagement with a wide range of stakeholders, with our assessment for each category in turn being as follows:
 - **Religious Belief:** Addressing the legacy of the past would potentially help promote good relations between different communities and religions through the focus on moving society forwards towards reconciliation via a victims, survivors and family-centred approach.
 - **Political Opinion:** We anticipate a positive impact on equality of opportunity and good relations; however, we acknowledge that stakeholders hold different political opinions and views on how legacy issues should be addressed.
 - **Racial Group:** We do not anticipate an impact on equality of opportunity based on racial group.

¹ <http://www.legislation.gov.uk/ukpga/1998/47/section/75>

- **Age:** The proposals may enhance and promote good relations across all age groups. This includes both older people who lived during the Troubles and experienced it either directly or indirectly, and younger generations who would benefit from wider societal reconciliation and increased understanding of the past.
 - **Marital Status:** We do not anticipate an impact on equality of opportunity based on marital status.
 - **Sexual Orientation:** We do not anticipate an impact on equality of opportunity based on sexual orientation.
 - **Men and Women generally:** No adverse impact. However, as the majority of those who died during the Troubles were men, it will be important for the new information body to consider the potential generational and gender effects when it is considering access to and interaction with the body.
 - **Disability:** There is a minimal risk of potential adverse differential impact on this group - mitigations are provided later in this document.
 - **Dependents:** No adverse impact. It will be important to ensure equality of opportunity for dependents (children/grandchildren) of victims, as well as dependents of others affected throughout the Troubles.
4. The EQIA sets out in Paragraph 55 onwards the mitigating measures to manage the risks identified during the analysis.
 5. The EQIA finds that these legacy proposals would have a significant positive impact insofar as the proposals are for the benefit of all victims and families wishing to seek information about Troubles related deaths or very serious injuries, as well as wider society which would benefit from collective truth recovery and the promotion of reconciliation. A new information recovery body will be designated and will therefore be subject to all the equality duties under that provision.
 6. On this basis, the UK Government has concluded that the legacy proposals should have an overall positive impact. The proposals should operate with minimised risk, subject to the implementation of recommended mitigations and the development of robust safeguards.

Introduction

7. Work to address the legacy of the Troubles has been ongoing for a number of years. Following lengthy engagement with a wide range of stakeholders on addressing the legacy of the past, the Government's legacy proposals were subject to an equality screening in May 2018. This exercise screened the proposals "in" for a full EQIA as it was assessed that the impact of the proposals would be major, in terms of making a positive difference to those affected by the legacy of the Troubles.
8. Between May 2018 and October 2018, the Government invited extensive stakeholder feedback on addressing legacy issues, as part of a formal public consultation on a draft Stormont House Agreement Bill entitled 'Addressing the legacy of the past - moving Northern Ireland forward'.²
9. The consultation attracted over 17,000 responses and a detailed analysis of the responses was published in July 2019³.
10. Among such a large number of respondents, it was inevitable that there would be different priorities and a range of views. Nonetheless, the overarching message from the vast majority of those who responded to the consultation was clear: the current system needs to be reformed. Since this extensive consultation, the Government has reflected on the feedback and continued to engage with stakeholders to further develop its evidence base and policy proposals.
11. In March 2020, the Secretary of State for Northern Ireland laid a Written Ministerial Statement setting out a way forward on the legacy of the past in Northern Ireland and began an intensive period of engagement with the Northern Ireland political parties, and the Irish government, to discuss these proposals in detail. In May 2021, the UK Government announced in the Queen's Speech its intention to introduce legislation to address the legacy of the Troubles in a way which focuses on reconciliation, delivers for victims, and ends criminal investigations which are not working for anyone and are preventing Northern Ireland from moving forwards with reconciliation, information recovery, and mediation.
12. In July 2021, the UK Government published a Command Paper setting out a series of proposed measures for addressing the past that would be

²https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/814805/Addressing_the_Legacy_of_the_Past_-_Analysis_of_the_consultation_responses.pdf

³https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/836991/Addressing_the_Legacy_of_the_Past_-_Analysis_of_the_consultation_responses_2_.pdf

considered as part of an intensive and time-limited engagement process, with a view to informing discussion and subsequent legislation. An updated equality screening document for the proposals was published on 19 July 2021.⁴

13. The Government was clear when it launched the Command Paper that the proposals would form the basis of a comprehensive period of engagement with a range of stakeholders and that we would continue to engage with an open mind before introducing the legislation. Because of the complexity of the issue it has been important to take the necessary time to get this right. Since then, the Northern Ireland Office has engaged, bilaterally and multilaterally, with stakeholders across Northern Ireland and beyond on our proposals, including the Irish Government, the Northern Ireland parties, representatives from the victims sector, and individuals and organisations from across civil society.
14. In May 2022, the UK Government committed in the Queen's Speech to introduce legislation to address the legacy of the Troubles. The UK Government is committed to finding a solution that allows Northern Ireland to move beyond its troubled past and move forward together. We are confident that by delivering a way forward that provides information and helps families get the answers they have long sought, this will lay the foundation for greater reconciliation and a shared future for all communities.
15. This EQIA uses the extensive feedback secured through the 2018 public consultation, as well as wider evidence and feedback received through subsequent stakeholder engagement, which remains ongoing.

⁴https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1003638/Northern_Ireland_legacy_proposals_-_equality_screening_July_2021.pdf

Aims of the policy

Background

16. Over 3,500 people⁵ were killed during the period of the Troubles. The legacy of Northern Ireland's past has had a profound and lasting impact on significant numbers of individuals, families and communities across Northern Ireland and beyond. The most contemporaneous population survey commissioned by the Commission for Victims and Survivors⁶, conducted in September 2021 indicates that 88% of respondents believe that it is important to address the legacy of the past, with 24% of respondents meeting the legal definition of a victim or survivor⁷ of the Troubles in Northern Ireland.
17. There have been many attempts over the years to address the legacy of the Troubles, including the Report of the Consultative Group on the Past, 2009⁸ and the Stormont House Agreement, 2014⁹ - yet none of these initiatives were successfully implemented and therefore the issue has remained unresolved.
18. The UK Government understands that legacy issues are sensitive and complex. That is why they remain unresolved - over two decades after the signing of the Belfast/Good Friday Agreement.
19. It has been clear for many years that the current system is working for no one, failing to bring satisfactory outcomes for families, placing a heavy burden on the criminal justice system, and leaving society in Northern Ireland hamstrung by its past. We need to find a better way to address our past in order to deliver for victims, survivors and wider society.
20. The current system - of criminal investigation and prosecution, coronial proceedings and civil action - for addressing legacy issues is complex, undermines efforts to promote reconciliation, and costs a disproportionate amount. With the passage of time, the number of convictions flowing from any investigative process is likely to be extremely low. If the focus remains on criminal justice, the vast majority of families will not get the answers or closure that they are seeking and deserve.

⁵<https://cain.ulster.ac.uk/sutton/>

⁶<https://www.cvsni.org/news/2021/october/population-survey-shows-overwhelming-support-for-dealing-with-the-past/>

⁷ <https://www.legislation.gov.uk/nisi/2006/2953/contents>

⁸ https://cain.ulster.ac.uk/victims/docs/consultative_group/cgp_230109_report.pdf

⁹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/706293/Stormont_House_Agreement.pdf

21. For many years, there has been political consensus on all sides that the current legacy system requires urgent reform. Engagement to date has demonstrated that there is appetite for the Government to take bold steps in adopting a new approach necessary to deal with the past and to deliver much needed and long-lasting reform. Under the current system, the need for criminal courts to consider the criminal evidence standard (beyond reasonable doubt) inevitably means that, in many cases where the criminal evidence standard is not met, criminal courts are not able to provide families with the answers they are seeking. For example, the recent trial against Soldiers A&C collapsed in May 2021 when the evidence was deemed inadmissible.
22. The UK Government is clear that any system for dealing with the legacy of the past must be fair, proportionate, focused on reconciliation and deliver for all those affected by the Troubles.
23. The Government proposes to implement legacy reform that focuses on providing information to as many families as possible. It is designed to help Northern Ireland's wider society to look forward rather than back, and to achieve this by delivering measures intended to facilitate reconciliation. Through reconciliation, the UK Government wants to help create strong relationships across communities, which respect differences and enable the right decisions for the people of Northern Ireland to be taken.

Policy Objectives

24. The UK Government's current legacy proposals are intended to create a legal framework for the implementation of mechanisms to address the legacy of Northern Ireland's past, delivering a way forward that provides information and helps families get the answers they have long sought.
25. Legacy issues continue to be deeply felt both by victims and survivors and wider society, with significant impacts on politics, public debate and trust in the police and wider justice system. The unresolved issues associated with the legacy of the Troubles filter down to a generation who, whilst they did not directly experience the horrors that previous generations did, nonetheless continue to feel their effects. The UK Government wants to help create strong relationships across communities, which respect differences and enable the right decisions for the people of Northern Ireland to be taken.
26. The UK Government is therefore considering proposals which moves legacy away from a primary focus on criminal justice outcomes in order to deliver tangible outcomes for those most affected by the Troubles. Its key features would be:

- Establishment of a new information recovery body to enable individuals and family members to seek and receive information about Troubles-related deaths and very serious injuries.
- The body will produce a historical record of what is known in relation to every death that occurred during the Troubles.
- The body will also have the function of granting immunity from prosecution in certain cases where conditions are met. The Police Service of Northern Ireland and Police Ombudsman Northern Ireland and equivalent bodies in Great Britain will cease any current criminal investigations into conduct forming part of the Troubles. A conditional immunity scheme, will allow only those who cooperate with the independent body to benefit from immunity for offences directly resulting in Troubles-related deaths/serious injuries.
- A package of memorialisation measures centred on an expert-led oral history initiative to encourage people from all backgrounds to share their experiences relating to the Troubles. This will be supported by new digital and physical resources, as well as comprehensive academic research to promote learning from individual stories in a way that builds collective understanding.

27. We believe that we now have a real opportunity to build on the experience of previous attempts to address the legacy of the past in Northern Ireland but taking account of what has changed and what we have learned since these attempts were made. The UK Government is determined in its aim to enable as many families as possible to obtain answers about the past that will subsequently help them - and wider society in Northern Ireland - to move towards a positive and reconciled future.

Data and research

28. This EQIA uses a mixture of qualitative and quantitative data from a number of sources, including:

- Northern Ireland Commission for Children and Young People (NICCY) “The Impact of Conflict Legacy Issues on Children and Young People”¹⁰ 2016,
- Joint Committee on the Implementation of the Good Friday Agreement Debate 26 October 2017¹¹
- Data from the NIO’s 2018 consultation “Addressing the legacy of Northern Ireland’s past” with accompanying draft Northern Ireland (Stormont House Agreement) Bill¹²
- Section 75 Screening Form for draft Northern Ireland (Stormont House Agreement) Bill 2018¹³
- Addressing the Legacy of Northern Ireland’s Past, Analysis of the consultation Responses July 2019¹⁴
- Chief Constable report to the Northern Ireland Policing Board 3 October 2019¹⁵
- Consultation response to the Northern Ireland Affairs Committee Consultation “Addressing the Legacy of Northern Ireland’s past: The UK Government’s New Proposals” 31 May 2020 Professor Siobhan O’Neill and Professor Brandon Hamber¹⁶
- *Children of the Peace Process, Final Report*, Northern Ireland Youth Forum, March 2021¹⁷.
- Section 75 Screening Form, Legacy Proposals, July 2021¹⁸
- Academic research and data produced by the Commission for Victims and Survivors and the Victims and Survivors Service such as:
 - Analysis of the CVS Module of the September 2010: Northern Ireland Omnibus Survey Prepared for the Commission for Victims and Survivors By NISRA, 2010¹⁹

¹⁰ <https://www.niccy.org/media/2430/cvs-conference-niccy.pdf>

¹¹ https://www.oireachtas.ie/en/debates/debate/joint_committee_on_the_implementation_of_the_good_friday_agreement/2017-10-26/

¹² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/706291/Section_75_Equality_Screening_Form.pdf

¹³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/706291/Section_75_Equality_Screening_Form.pdf

¹⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/836991/Addressing_the_Legacy_of_the_Past_-_Analysis_of_the_consultation_responses_2_.pdf

¹⁵ <https://www.psnipolice.uk/news/Latest-News/031019-chief-constables-report-to-nipb/>

¹⁶ <https://committees.parliament.uk/writtenevidence/5934/pdf/>

¹⁷ <http://www.niyf.org/2021/05/04/young-people-of-the-peace-process/>

¹⁸ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1003638/Northern_Ireland_legacy_proposals_-_equality_screening_July_2021.pdf

¹⁹ <https://www.cvsni.org/media/1437/analysis-of-the-cvs-module-of-ni-omnibus-survey-december-2010.pdf>

- Troubled consequences: A report on the mental health impact of the civil conflict in Northern Ireland 2011 ²⁰
- PEACE IV - Victims Programme 2014-2020²¹
- Towards a Better Future: Trans-generational Impact of the Troubles on Mental Health 2015.²²
- Children and Young People Engagement Project 2016²³
- Population Survey 2021: Northern Ireland (NI) Representative Poll Survey Summary of Results²⁴

29. The NIO's 2018 consultation on the draft Stormont House Agreement Bill provided a key opportunity to engage a wide range of stakeholders on the proposed legislation. In July 2019, the Government published an analysis of the consultation responses, including an analysis of the impact on equality and good relations according to the consultation questionnaire. As part of this analysis, the Government committed to publishing a full Equality Impact Assessment to accompany the legislation, informed by the equality information collected from the consultation.

30. The vast majority of respondents who answered questions concerning the impact on Equality and Good Relations, agreed that there is an opportunity to better promote equality of opportunity or good relations. A majority also felt that the current system has a negative or strongly negative impact on equality of opportunity and the promotion of good relations between persons of different religious belief; persons with different political opinion; and persons with a disability and those without. A majority also felt that the Stormont House Agreement proposals had a negative or strongly negative impact on the religious belief and political opinion categories.

31. The findings of the Equality Screening exercise conducted in July 2021 to accompany the Government's Command Paper found a potential major impact on good relations insofar as:

- the policy is significant in terms of its strategic importance;
- further assessment offers a valuable way to examine the evidence and develop recommendations where there are concerns amongst affected individuals and representative groups;
- the policy is likely to be challenged by way of judicial review; and
- the policy is significant in terms of expenditure.

²⁰ <https://www.cvsni.org/media/1435/troubled-consequences-october-2011.pdf>

²¹ <https://www.cvsni.org/media/1668/200617-piv-rs-pres.pdf>

²² <https://www.cvsni.org/media/1171/towards-a-better-future-march-2015.pdf>

²³ <https://www.cvsni.org/media/1617/cvs-cyp-final-report-26-april-2016.pdf>

²⁴ <https://www.cvsni.org/media/2138/population-survey-2021-summary-of-main-results.pdf>

32. The *Children of the Peace Process, Final Report, Northern Ireland Youth Forum, March 2021* survey gathered 388 individual responses from young people aged between 16-22 years of age, with 16-year-olds providing the most responses (40%). This age bracket was selected intentionally by the group to gather the views specifically of young people born after the Belfast/Good Friday Agreement. The respondents to the survey also represented a wide range of gender, sexual orientations and religious backgrounds. When asked to indicate their religious background, 42% noted that they were Catholic and 30% Protestant. A further 9% indicated that they would prefer not to say, 18% selected other and 1% identified with Islam/Muslim beliefs.

- The majority of young people (76%) 'agreed and strongly agreed' that politics in Northern Ireland is defined by the Troubles. A large number (47%) also 'agreed and strongly agreed' that politicians talk about the past more than the present and the future.
- The survey explored young people's knowledge, understanding and experience of the Troubles. The results revealed that only 1% of young people had 'no' knowledge of the history of the Troubles, with a further 53% stating that they had 'some' and 43% indicating 'a lot' of knowledge about the Troubles.
- The respondents were asked where they received their information about the Troubles. The results found that the most common place for gathering information was the family (82%) followed by in school/college/university (71%), TV/Films (48%), social media (40%) and friends 35%.

33. In September 2021, the Commission for Victims and Survivors conducted a population survey of 2,099 respondents on dealing with the legacy of the past in Northern Ireland. The survey found in the population ;

- 24% met the legal definition of a victim,
- 88% believe it is important to address the legacy of the past,
- 45% witnessed or were present at a Troubles related incident or the consequences of such an incident,
- 21% said their mental health was affected and 4% said their physical health was affected by a Troubles related incident.

34. A sustained and long term programme of stakeholder engagement over the last 10 months since the publication of the Command Paper has enabled us to refine the policy proposals in a way which will deliver benefits for the range of stakeholders affected. This assessment of the impact of these policy proposals on several Section 75 groups is based on this extensive engagement with stakeholder groups and the evidence we have found.

Engagement has allowed the Government to reflect on its position on the best way forward, and the Government will continue to consider as part of the policy development the needs of those most impacted by the Troubles.

Assessment of impacts

35. As stated above, the 2018 publication of the draft Northern Ireland (Stormont House Agreement) Bill was accompanied by the publication of a Section 75 Equality Screening Form. A further equality screening form was published on 19 July 2021 to reflect the revised proposals put forward by the Secretary of State in a Command Paper published on 14 July 2021. The analysis in this document is based on both Section 75 screenings, the evidence provided during the 2018 consultation process, a review of the publications and evidence listed above and more recent research and engagement with key stakeholders over the course of 2020/2021 and ongoing.
36. More recent surveys from CVS and the Northern Ireland Youth Forum have informed this assessment and reiterated our initial findings in terms of the need for these proposals to address the legacy of the Troubles as it continues to overshadow Northern Ireland's present. The trauma of the past is being passed down to generations with no direct experience of those horrors, reinforcing and renewing division between communities.
37. Based on the feedback and our assessment of the proposals, we consider that there will be the following impacts on protected groups:

Religious belief

38. We anticipate the proposed reforms could potentially have a beneficial impact on relationships between those of different religious beliefs. Addressing the legacy of the past is likely to promote good relations and equality of opportunity between different communities by promoting understanding of the different narratives of a wide range of victims, families and other affected persons and bringing people together. The focus on moving society forwards towards reconciliation through a victims, survivors and family-centred approach could potentially have a significant positive impact in helping society look to the future rather than the past.

Political opinion

39. The Government's proposals are intended to contribute to the transition towards social cohesion and reconciliation in NI and long term peace and stability of the region. By successfully addressing the legacy of the past and focusing on moving society forwards towards reconciliation, it is hoped that legacy issues will no longer overshadow politics which can instead focus on Northern Ireland's future.

40. It is acknowledged that stakeholders hold different opinions on dealing with legacy issues. In order to ensure equality of opportunity it will be important to provide the necessary information around the statutory obligations of any new Body to operate in ways that are in accordance with its legal and equality duties.

Age

41. Many victims and survivors of the Troubles fall within the older age bracket. We expect this group to benefit from the proposals as they aim to provide an opportunity to achieve the answers they are seeking sooner than would be possible under the current system. It is expected that those in this group are likely to engage with the information recovery and oral history functions, in order to achieve closure and to move towards reconciliation. However, there is a greater risk that people within this age group may have difficulty recalling events that happened in the non-recent past.

42. As outlined in the Section 75 Equality Screening Form 19 July 2021 we anticipate that proposals will benefit younger age groups, including children, as the reforms create the opportunity to explain the complexity of the Troubles from all perspectives in an unbiased way and would contribute to promoting wider societal reconciliation and anti-sectarianism amongst young people as well as older individuals, supporting community integration and understanding²⁵.

Men and women

43. Available evidence as set out in both Section 75 Equality Screenings 2018 & 21 indicates that a majority of those killed during the Troubles were male. It is also recognised that the majority of those presenting to the Victims and Survivors Service are women and the majority of survivors, the bereaved and long-term carers may be women (CVS monitors, on a quarterly basis, the profile of victims and survivors who present to the Victims and Survivors Service (VSS)).

44. Among the reconciliation measures proposed will be an academic-led commission to produce academic reports into key thematic issues related to the Troubles. As originally proposed in the Stormont House Agreement, the UK Government will not prescriptively list all themes to be considered as part

²⁵ This assertion is based on a range of insight including: WAVE Trauma Centre reports to the Joint Committee on the Implementation of the Good Friday Agreement Debate in October 2017, the CVS's research project entitled Children and Young People Engagement Project 2016, and the CVS/VSS-led PEACE IV - Victims Programme & The report Towards a Better Future: Trans-generational Impact of the Troubles on Mental Health) and from more recent evidence in the *Children of the Peace Process, Final Report*, Northern Ireland Youth Forum, March 2021.

of this initiative, which will mostly be left to the discretion of independent academic institutions. However, the Government believes that the terms of reference for this work must provide for the experiences of women and girls during the Troubles to form one of these research themes, reflecting feedback received by the Government during its legacy consultation and since (including from the Special Procedures of the Human Rights Council) regarding the importance of this particular theme being considered.

Dependants

45. The legacy of the past has also impacted dependents as detailed in the Section 75 July 2021 Equality Screening (citing research by CVS 'Towards a Better Future' 2015, and a NICCY paper entitled "The Impact of Conflict Legacy Issues on Children and Young People") as well as extensive engagement that we have undertaken with victims and survivors. The experience of victims' families is central to the proposals, which would focus on providing as much information as possible to families about what happened to their loved ones while this is still possible. We therefore anticipate a significant positive impact on this group.
46. The proposals would potentially benefit those with direct dependents and those without. For example, the information recovery body may accept requests from a relative of the deceased who is not a close family member so long as no close family members object and the body is satisfied it is appropriate to proceed.
47. We do however recognise how difficult a move away from criminal justice outcomes may be for some families to accept. By taking the focus away from criminal investigations and prosecutions, our judgement is that this will help facilitate wider recovery and reconciliation in the longer term. As such, and as stated above, we therefore believe the overall impact on this group would be positive.

Disability

48. Engagement with Victims' representatives groups has found that a number of victims, survivors and family members have experienced mental and physical health issues. *Troubled consequences: A report on the mental health impact of the civil conflict in Northern Ireland* published in October 2011 was prepared for CVS by the Bamford Centre for Mental Health and Wellbeing at the University of Ulster in Partnership with the Northern Ireland Centre for Trauma & Transformation. Amongst its findings, the prevalence of PTSD in Northern Ireland was the highest of all countries that have produced comparable estimates including the USA, other Western European countries

and countries that have experienced civil conflict in their recent history. Results also showed that the prevalence of chronic physical health conditions was higher among those who had experienced a traumatic event (conflict or non conflict-related) compared to those who had not experienced trauma.

49. A CVS population survey in September 2021 found that 21% of respondents reported an impact on their mental health by a Troubles related incident and 4% reported a physical impact. Further in 2019/2020 22% of the UK population more widely had a disability. They, like all those living with a disability, may have different needs in terms of accessibility of new institutions and new oral history initiatives.

50. Many people within this group could potentially benefit from the proposals, and the support for society to move forwards towards reconciliation, particularly as the proposed new body will have the ability to recover information about serious injuries as well as deaths.

51. There is a minimal risk of potential adverse differential impact upon this group - many people were injured or experienced health problems and injury as a result of the Troubles and they may have different needs in terms of accessibility of the legacy institutions. This risk is mitigated by engagement to date between the Northern Ireland Office and representative groups. New bodies conducting information recovery and the Oral History initiative will be required to operate in a manner that ensures equality of access and will be expected to put into place safeguards to mitigate any potential adverse differential impact.

52. The new information recovery body would also have the ability to recover information about serious injuries as well as deaths meaning greater equality of opportunity and access for more victims who will be able to access investigations and information recovery in a way which is not currently available to them. Delivery partners will operate in ways that are in accordance with their legal and equality duties.

Multiple identities

53. The 2018 consultation received over 17,000 responses from a wide range of individuals and organisations listed in Annex A of the Analysis of Consultation responses²⁶. These respondents and stakeholders fall within a number of the Section 75 groups and it is proposed to assess the impact on those within 'multiple identity' Section 75 groups.

²⁶https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/814805/Addressing_the_Legacy_of_the_Past_-_Analysis_of_the_consultation_responses.pdf

Other Characteristics

54. We do not anticipate a differential impact on equality of opportunity based on racial group, marital status or sexual orientation, but we will keep this under review.

Mitigation & Alternative Approaches

55. The current legacy system has developed over time, within existing legal structures, without a coherent approach for how to best meet the needs of the people using it. It has been clear for many years that the current system is not working well for anyone. More than two thirds of deaths from The Troubles occurred more than 40 years ago. The passage of time means that ultimately, for those cases that get as far as a trial, there is a high likelihood of 'not guilty' verdicts or trials collapsing. For both families of victims and those accused this can be a very distressing outcome following years of uncertainty. We need to find a better way to address our past in order to support victims, survivors and wider society and help Northern Ireland to look to the future.
56. The Government has given in depth consideration to alternative approaches that have been suggested over the years including the (withdrawn) Northern Ireland Offences Bill (2005), the findings of the Consultative Group on the Past (2009), the work of the Historical Enquiries Team (2005 - 2014), the Panel of the Parties of the Northern Ireland Executive (Haass O'Sullivan talks - 2013,) and the Stormont House Agreement mechanisms (2014). The Government has sought to bring together the strongest elements of various different proposals on which there appears to be a general consensus to arrive at the reforms that it has put forward. For example, establishing an information recovery body builds on the initiatives put forward in the Haas O'Sullivan talks, (Commission for Information Retrieval), the Consultative Group on the past (independent Legacy Commission to tackle securing reconciliation) and SHA (Independent Commission for Information Retrieval and Historical Investigations Unit). We remain committed to the role of oral history and memorialisation as set out in the 2014 Stormont House Agreement, and this is a cornerstone of the current proposals. The Government is clear that any new legacy mechanisms must be victim-centred and user-friendly in order to make them accessible and functional for all.
57. The NIO will take forward the following positive steps to ensure that the proposals promote equality of opportunity:
- The new information recovery body will be subject to the duties set out in s75 of the Northern Ireland Act 1998 to have due regard to the need to promote equality of opportunity and to have regard to the desirability of promoting good relations between the various groups specified in that section,
 - The Body would review incidents related to serious injury as well as deaths, making its reviewing functions wider in scope and potentially more likely to include persons with disabilities.

- The memorialisation initiatives, to be taken forward by organisations to be designated by the Secretary of State, will be obliged statutorily to ensure there is support from the different communities in Northern Ireland for the way in which the Troubles-related work programme is carried out. They must also ensure that the variety of views of the Troubles is taken into account in carrying out the Troubles-related work programme. It is expected that establishment of the new Body and the oral history function in particular would benefit this group, in promoting reconciliation and anti-sectarianism and inviting those of all age groups to record how the “Troubles” have impacted on their lives and share narratives.
- In designating persons to lead on this work, the Secretary of State will ensure that equality monitoring obligations are met. If the designated persons are also designated under s75, they will be required to develop Equality Schemes in accordance with Equality Commission for Northern Ireland guidance.

Consultation

58. The Northern Ireland Office Equality Scheme Chapter 3 - paragraph 3.18 states

'The consultation period normally lasts for a minimum of twelve weeks to allow adequate time for groups to consult amongst themselves as part of the process of forming a view. However, in exceptional circumstances when this timescale is not feasible (for example when dealing with emergency measures, or international, legally binding deadlines, or when the consultation needs to fit into fixed timetables such as the electoral cycle), we may shorten timescales to eight weeks or less before the policy is implemented. We may continue consultation thereafter and will review the policy as part of our monitoring commitments.'

59. The Northern Ireland Office intends to build on the extensive engagement we have carried out to date on legacy proposals as described in the 14 July 2021 Command Paper and in this report. Engagement to date has included; political parties in Northern Ireland, the Irish government, UK parliamentarians, US stakeholders; representatives of the victims sector and support services; operational partners in the criminal justice system; veterans groups and the Veterans Commissioner; civic society groups, academics, church leaders and representatives, and youth groups.

60. The UK Government has committed to legislating to address legacy issues in this parliamentary session. Given the process of securing Royal Assent for legislation, and taking into account the extensive engagement to date with stakeholders and interested parties, the Northern Ireland Office has taken the decision to conduct this consultation over the course of 12 weeks.

61. All comments are welcome and will be accepted in any written format. A standard response form will be available to assist individuals and organisations to respond, but responses will be accepted in any written format (e.g. letter, email). The consultation period will last for 12 weeks and the deadline for submission of comments is **Monday 8 August 2022 at 5pm.** All comments should be sent to regarding the following:

- views on the assessment of impacts;
- any further information which could be useful in assessing the impacts;
- comments and suggestions on the mitigating measures
- comments and suggestions with regard to the consultation process.

62. Consultation responses should be sent to:

Legacy EQIA Consultation Response:
Erskine House
20-32 Chichester St
Belfast
BT1 4GF

Or by email to:
Legacy-eqia@nio.gov.uk

Please contact us by email at Legacy-eqia@nio.gov.uk if you have any further questions.

Decisions on Results of EQIA

63. As set out throughout this document, we anticipate that the UK Government's proposals would have a positive impact on the different Section 75 groups. These proposals seek to meet the needs of victims and survivors from all political opinions, religious beliefs, disability, gender and age. Their driving force is to promote reconciliation for all groups so that, in coming to terms with the past, the people of Northern Ireland can build a better, shared future for all.
64. Some additional needs have been identified, particularly around people with a disability, and mitigations to address those potential concerns have been detailed. It will remain important that through meaningful engagement we take account of any generational or gender effects in the design of, access to or engagement with any new legacy institutions that will be established.

Monitoring for adverse impact in the future

65. The final stage in the EQIA process is the establishment of a system to monitor any on-going impact.
66. As set out above, in designating organisations to lead on the oral history and memorialisation work, the Secretary of State will ensure that ongoing equality monitoring obligations are met. It is expected that at least one of the designated organisations and the information recovery body will be designated under Section 75, and will therefore - through their own respective Equality Schemes - identify barriers and encourage participation across the identified groups through consultation, qualitative and quantitative data collection. This will ensure awareness of any differentiation in equality of opportunity or promotion of good relations especially amongst those of different political opinion, religious belief, age, gender, disability and dependents.
67. If the findings of the report find an adverse differential impact, the bodies will be required to revise their policies and take action to improve better outcomes for identified groups. As part of their Equality Schemes, the proposed institutions will report to the Equality Commission for Northern Ireland on an annual basis.
68. Should the monitoring and analysis of results over a two year period show that there has been any kind of adverse impact, or if opportunities arise which

would allow for greater equality of opportunity to be promoted, the Northern Ireland Office will take steps to encourage the institutions to achieve better outcomes for the relevant equality groups, and the findings used to inform further development of, or modification to, existing policies.

69. Until a Section 75 organisation is designated, these ongoing equality monitoring obligations will fall instead to the Northern Ireland Office - which is itself a Section 75 organisation.

70. There is a risk of a potential adverse differential impact of equality of opportunity for those with a disability. We will encourage any new information recovery body as well as the designated organisations taking forward the oral history and memorialisation initiatives, to meaningfully engage with disability representative groups to consider ways to mitigate any impacts. We will also monitor any safeguards that are put in place to enable those with a disability to have equality of opportunity in accessing information recovery as well as any oral history and memorialisation initiatives which are established in connection with the legislation.