

DEALING WITH THE PAST LOOKING TO THE FUTURE

VALUES, PRINCIPLES AND
RECOMMENDATIONS FOR THE CARE
AND SUPPORT OF PARTICIPANTS IN ANY
POTENTIAL 'DEALING WITH THE PAST' PROCESS

EHSSB TRAUMA ADVISORY PANEL

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1. Background

In December 2004 the Eastern Health and Social Services Board Trauma Advisory Panel (TAP) agreed to convene a project group to examine principles for a proposed 'Dealing with the Past' process.

Consultation on proposals for such a process had been announced earlier in the year by then Secretary of State Paul Murphy, together with plans for an Inquiry by the Northern Ireland Affairs Committee (NIAC). The NIAC Inquiry proceeded from January 2005, but was curtailed due to the impending General Election.

A report containing evidence and recommendations was published by the NIAC on 14th April 2005. The Committee was of the view that the time was not yet right for a full consultation on 'Dealing with the Past', however, it stated its expectation that Government would keep the possibility of such a process under constant review.

It was in this context that the EHSSB TAP's 'Dealing with the Past' project undertook its work in March 2005. The project group consists of seven panel members, reflecting the diversity of the panel as a whole. The project is facilitated by the panel's Co-ordinator.

Following a year of discussion and debate, the project group now offers a set of principles in support of a workable 'Dealing with the Past' process, which may take the form of a range of mechanisms described under Section 4.

2. Aims of the Project

To present a set of meaningful values and principles to inform any potential process associated with 'Dealing with the Past' in Northern Ireland.

These recommendations contain advice regarding what would benefit people, and what might be harmful to them in such a process, together with guidance on how best participants might be supported.

Whatever the nature of the 'Dealing with the Past' mechanisms, many of those who engage in the process will require support and increased understanding of their potential needs.

3. Principles & Values

A number of key issues that would underpin a 'Dealing with the Past' process have been identified by the project group.

These are context (timing and duration); status and composition of a 'Dealing with the Past' body; submissions and status of data; preparation and expectations; safety (risks known and unknown); resources and support services.

These are addressed in the set of principles and values below.

We propose that, in relation to context, the 'Dealing with the Past' process should:

- **Consider timing and context**

The sense of the 'Dealing with the Past' project is that we are far from ready for a 'truth'-type process, in whatever form. However, in the intervening time, it is essential to consider the implications of such a process, and to consider and develop appropriate principles, in the interests of future participants.

The overall context has implications for all other key issues outlined.

- **Adopt a developmental approach**

Any such process must be developmental, and ethically managed. It must not be expedient, lest the individual be lost in the quest for the 'greater good'.

- **Set high level goals**

To support a positive outcome high level goals should be agreed and set for the process, goals that are important for all and which cannot be attained without co-operation. Therefore representatives of all organisations and Governments should participate. The process can only be successful if a real and holistic understanding exists between policy-makers, groups and individuals about the potential dangers and benefits of the process.

Without an appropriate context, 'Dealing with the Past' mechanisms will not support healing or psychological recovery. A number of symbolic elements must therefore be in place in order to support such a process. These include the willingness of all organisations and Governments involved in the conflict to participate in the process.

Questions concerning historical context, accountability and acknowledgement should be raised and dealt with. This would have symbolic value and set the context for participation. There needs to be some form (or forms) of acknowledgement for past actions – institutional, organisational and individual.

- **Operate at four levels**

Any process seeking to deal with the trauma of the past would have to operate on four levels – individual, family, community and society. The project group agreed that it could offer a more authoritative voice regarding trauma on the individual and family level, therefore the principles will be focused here.

- **Focus on service and support**

The process should have a service focus, and the provision of sustained support for those engaged in the process should be managed through the Trauma Advisory Panels. There should be no political input. The Trauma Advisory Panels are an appropriate source for some of the appointments to the Standing Advisory Conference described below, because of their cross-sectoral nature, and given that Panel members have experience in dealing with trauma recovery.

- **Consider other models**

A 'Dealing with the Past' process for Northern Ireland should consider the experiences of other models of practice from other commissions and adapt to Northern Ireland, recognising the uniqueness of Northern Ireland's situation.

- **Operate within an appropriate timeframe**

The process should operate within a timeframe of five to seven years.

We propose that, in relation to a ‘Dealing with the Past’ body, the process should:

- **Consider the status and composition of a ‘Dealing with the Past’ body**

Who should sit on this body?

The body should be representative of the community, to include mental health professionals and community-based workers, i.e. those who work with the consequences of conflict-related psychological trauma in all sectors.

It is essential that the Chair of any such body be external and independent, of international standing, with a specialism in trauma recovery work. Representatives from Trauma Advisory Panels should also be included.

- **Consider legal implications of the process**

In terms of the status of the ‘Dealing with the Past’ body, legal implications require careful consideration. Furthermore, clarity regarding legal matters is essential for participants (see section 5). We view the process principally to be about truth recovery and benefiting individuals, not about legal process.

We propose that, in relation to submissions and status of data, the process should:

- **Be public**

Those participating should be offered help in preparing for their submissions, legal or otherwise. Proper documentation and recording will be required – to aid the process locally but also, perhaps, to assist in other countries in the future.

- **Provide public information**

There must be a public information campaign associated with the process.

- **Pay particular attention to language**

A particular difficulty is that there will probably not be agreement regarding language to be used in the process. Differences of perception regarding appropriate language and the meanings associated with terminology such as forgiveness and reconciliation are a fundamental difficulty in terms of expectations about the process and its outcomes; hence the importance of adequate preparation.

We propose that, in relation to preparation and expectations, the process should:

- **Offer a supportive environment**

The process must occur in a supportive environment, with the focus on resilience. Fundamentally, it should address healing potential, with funding for appropriate training and support in preparation for the impact of the body's process.

- **Manage preparation and expectations**

Expectations are key. Participants will not receive what they want or need from the process if they enter it with unrealistic expectations about what will be achieved, therefore carefully supported preparation and psycho-education is essential.

It is important to prepare participants for the experience of hearing the reasons an individual might give for their involvement *or actions* in the conflict. This may be especially upsetting and may not tally with what the victim or survivor believes.

Expectations must also be managed so as to lessen the risk of dissatisfaction and development of pathology, whether individual or community. This will require a carefully thought out public information campaign - if 'Dealing with the Past' is perceived as an uncontrollable process, participants will be at risk of further harm.

For some people this will be the first time they have spoken in public. Participants should be supported in understanding the potential effects – psychological and physical - of the process on the self and the family. Participants should also be made aware that others may be affected by their disclosure, leading to a potential risk of reprisal.

We propose that, in relation to safety, the process should:

- **Consider safety and risks known and unknown**

All should be encouraged to join the process, but there should be no coercion for any participant. The process should aim to minimise risk. It is to be hoped that all those who participate will derive benefit from it.

Safety cannot be guaranteed, nor can the risk of reprisal or revenge be ignored. The individual must not be deliberately sacrificed for the common good, therefore, as part of the process, it is essential to identify those at risk of psychological difficulties, manage the risks and support them at each stage of the process in order to minimise the potential for harm.

The potential effect upon individuals giving evidence is uncertain, as is the potential effect upon individuals hearing difficult information about their loved ones or past events.

Sufficient resources must be made available for the provision of full support from appropriately accredited sources to address these potential needs. This should also take the form of community-based support networks.

We propose that, in relation to resources and support services, the process should:

- **Offer appropriate support services to participants and staff**

As stated above, adequate preparation in terms of psycho-education and support will be required to minimise risk of vicarious traumatisation. Support and supervision will be required for those working in the body, for those who give evidence, and for those providing services in all sectors.

- **Consider needs arising from the process**

As participants will be at different stages in dealing with their past, the range of needs and outcomes will vary greatly. It is essential therefore to offer the opportunity for individuals to seek further resolution and support through therapeutic/psychosocial services, in addition to the processes associated with such a mechanism.

- **Be given adequate resources**

Adequate resources are essential to address the work of the 'Dealing with the Past' body and the potential needs in terms of support for participants in preparation, during and after participation, and for those engaged in the ongoing work of the body. In addition, all those working within the mechanisms must receive appropriate trauma training for the process.

4. A Range of Mechanisms for 'Dealing with the Past'

In view of the above, the project group recommends that a range of mechanisms for 'Dealing with the Past' be considered, although no one mechanism should be privileged above the other. These include:

- An appropriately constituted overarching body, which should be established in order to provide guidance and quality assurance - a 'Standing Advisory Conference'. It should be led by an expert in trauma recovery of international standing, who would have the confidence of all potential participants.
- Public hearings, under which there will be a range of separate additional mechanisms. This body must inspire confidence in terms of its independence and acceptability.
- A community development model.
- Submissions from representatives of organisations, which should be made in public.
- Confidential dialogue, possibly facilitated by a mediation service to support, inter alia, 'encounters' between individuals, in private or in public, with a view to obtaining information about the past.

Any process should be underpinned by the following:

Voluntary participation only for individuals - many may prefer not to revisit the past - with support available to all engaging in any or all of the above, prior, during and post-participation.

We anticipate that significant additional resources will be required to address the needs arising from the impact of the process.

Appropriate preparation and psycho-education will be required prior to participation and there should be support after participation. Supervision and support should be available for those working within the process.

5. Issues beyond the remit of this project

The project group believes that a number of important issues related to the mechanisms for 'Dealing with the Past' require careful consideration, but are beyond its expertise and remit. It is, however, important to set them out clearly. Legal questions in particular require to be debated and resolved before the process begins.

- Some mechanisms will help those affected by the 'Troubles', and may succeed in moving things forward. However, the extent to which it can be expected to minimise the risk of future conflict is by no means clear.
- There will be disagreement regarding the causes of the Northern Ireland conflict, but the process must include the range of views.
- Appropriate outcome measures for the processes associated with 'Dealing with the Past' must be considered - some form of evaluation for the process is necessary.
- In terms of accountability, appropriate checks and balances are required for the proposed Standing Conference and its processes. These must operate in such a way as to instil confidence in communities. The more confidence it inspires, the more effective the process will be.
- There are many difficulties concerning eligibility to participate in a 'Dealing with the Past' process. How should participation be facilitated? For example, should this include all who have evidence directly related to a particular event or events?
- What structural issues come into play in such processes? This question relates to the view, held by many perspectives, that individuals were made accountable for structural problems during the conflict.
- How is risk to be managed in the process, given the 'ripple effect' of trauma?

- Where would the Victims & Survivors forum mentioned in the OFMDFM Victims Strategy Consultation (2005) document fit in with 'Dealing with the Past'?

There are also many questions relating to legal matters which deserve serious consideration:

- Should there be any legal implications arising from the process? Should there be offers of amnesty, non-prosecution, immunity from any criminal or civil action, i.e. no legal implications arising from disclosures made?
- The issue of independence is also key – the body should be independent, but from whom? Who will fund the process?
- Should external legal personnel assist a formal, but not fully legal, process?
- What should be the extent of legal representation? Should there be non-legal representation available, or advocacy?
- Is hearsay permitted, although it is informal and can therefore be challenged? What is 'admissible'?

6. Conclusion – Key Messages

The project's major focus is on the care and support of participants in 'Dealing with the Past' and of those tasked with the work of the process.

The need for adequate resources for the provision of support services cannot be underestimated given the difficulty of the work and its potential impact.

Good preparation and psycho-education is key if participants are to derive benefit from the process.

The process must be inclusive in order to succeed.

Finally, the mechanisms implemented in a 'Dealing with the Past' process must enjoy credibility and confidence in the community in order to achieve their aims.







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