

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-based policy and law-making within Northern Ireland

A pension for those seriously injured: Repairing the past

The Pension for Seriously Injured Victims Bill 2016
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Overview

- Context
- Comparative experience
- Human rights decisions
- Models for dealing with eligibility
- Conclusion



Context in Northern Ireland

- Article 2 focus on dealing with the past
- Injured victims neglected
- Inadequacy of past compensation
- Absence of reparations discussion



Past experience

- Consultative Group on the Past
- Stormont House Agreement
- Difficulty over who deserves to be recognised as a victim?



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Comparative experience in other countries

Exclusion

- Colombia and Peru
- Iraq and Spain



Inclusion

- Sierra Leone and Timor Leste
- Kosovo and Tunisia
- South Africa

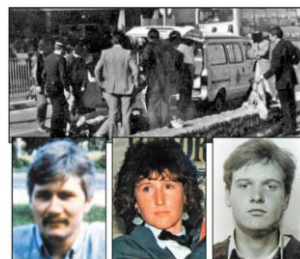


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Human Rights Case Law

European Court of Human Rights

- *McCann and others v UK*
- *Del Río Prada v Spain*



Inter-American Court of Human Rights

- *Miguel Castro Castro v Peru*
- *Disappearances from the Palace of Justice v Colombia*
- *Cruz Sanchez and others v Peru*



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Models for dealing with eligibility

Inclusive

- Victims and Survivors (NI) Order 2006, s.3
- WAVE and CVSNI proposal:
 - a) The claimant suffered physical injury(s) as a result of Troubles related incident(s);
 - b) the injury(s) has resulted in disablement

Qualified

- Unlawful harm (exclude those self-inflicted)
- Review panel for those with serious criminal convictions

Exclusive

- Partial exclusion – private trust fund
- Complex exclusion – those with serious criminal convictions are barred



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Conclusion

- Reparations are intended to acknowledge and remedy the harm suffered by victims
- The pension bill offers a unique opportunity to remedy the harm of a neglected constituency who suffer ongoing pain and disability
- A qualified approach is consistent with other schemes such as the Criminal Injuries Compensation Scheme
- Reparations to victims of terrorist are based on social solidarity with victims' plight, rather than state responsibility
- Concerns over eligibility can be carefully crafted to accommodate complex circumstances



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