

Joint Framework on addressing the legacy of the past

This Joint Framework represents a clear break with the 2023 UK Legacy Act, which was opposed by all political parties, victims and survivors groups, and wider civil society in Northern Ireland.

The framework represents a return to partnership by the two Governments on Northern Ireland.

It is a comprehensive package which is designed to provide truth and accountability for victims and families who have lost loved ones.

It places responsibilities on both Governments. The faithful implementation of these commitments will be key

The Irish Government set two key tests for any new deal with the UK Government on legacy: human rights (ECHR) compliance and the ability to secure the support of victims and families. When fully implemented, this framework can achieve those goals

What is does the Joint Framework do?

- The Framework represents a **fundamental reform of the Legacy Act.**
- The ICRIR will **be renamed the Legacy Commission.**
- A suite of **changes will ensure much improved independence of the Commission. Independence is key to both Article 2 compliance and building public confidence.** These include:
 - A statutory Independent Oversight Board
 - Statutory conflict of interest provisions
 - A statutory Victims and Survivors Advisory Group
 - An independent appointments panel advising on senior appointments
- The Legacy Act shut down all police and Police Ombudsman investigations. The Act provides only for ‘reviews’. Under the Joint Framework, **investigations** will be provided to UK-wide standards and the Legacy Commission will **be tasked to explore all relevant investigative leads** in any case referred to it.
- When **the Commission winds up, any unresolved cases will revert to the relevant police force** (the PSNI in most cases). This is a **marked change from the current**

legislation, which shut down all investigations, unless they had been referred to the ICRIR.

- A new **Inquisitorial Mechanism** will be established within the Legacy Commission to manage complex cases. Hearings under this mechanism will be **presided over by judges**. It will be equipped to hold public hearings and, if necessary, private hearings. **Provision will also be made for next of kin representation** (this was a concern raised in the NI Court of Appeal).
- The Joint Framework removes Legacy Act's prohibition on Inquests. **Inquests** which had commenced but were halted by the Legacy Act will recommence. Inquests that had been ordered but had not begun will be subject to a further decision by the UK Solicitor General on how these will be dealt with: some may continue as inquests and other may move to the Inquisitorial Mechanism.
- The two governments will **establish a standalone, cross-border information retrieval body**, as foreseen in the Stormont House Agreement, **on a pilot basis**. The body will aim to afford families the opportunity to seek information relevant to the death of a loved one when the investigative route has been unable to recover that information. **This will be able to receive information on killings from non-state actors**. A revised international agreement will be required for this and this will be advanced quickly.
- The Framework is underpinned by a commitment to **reciprocal cooperation**. The Government will ensure the necessary arrangements are put in place to facilitate the fullest possible cooperation by the relevant Irish authorities with the Legacy Commission. In turn, the UK authorities will provide reciprocal cooperation to Ireland for investigations, inquests and inquiries in legacy cases.
- **Secondary legislation will remove the provisions relating to conditional immunity and will restore civil cases**. While these changes are consequent on NI Court judgements, they are still significant.
- **A dedicated legacy unit within An Garda Síochána will be established by the end of the year** as a single point of contact for cross-border cooperation on Troubles-related cases. The Government also commits €25m to support the engagement of victims and families with the new legacy processes.
- The twin priorities for the Government over the course of these negotiations have been that any reformed legacy architecture be compliant with the European Convention on Human Rights and can secure the confidence of victims and survivors of the Troubles. **The Tánaiste has met on numerous occasions with victims and survivors, and their families, to listen to their concerns and priorities for a reformed approach to legacy**.