

# DÁIL ÉIREANN

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## AN COMHCHOISTE UM

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### FEIDHMIÚ CHOMHAONTÚ AOINE AN CHÉASTA

### JOINT COMMITTEE ON THE IMPLEMENTATION OF THE GOOD FRIDAY AGREEMENT

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*Déardaoin, 19 Aibreán 2018*

*Thursday, 19 April 2018*

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The Joint Committee met at 2 p.m.

#### MEMBERS PRESENT:

Deputy Declan Breathnach,	Senator Frances Black,
Deputy Maureen O'Sullivan,	Senator Mark Daly,
Deputy Brendan Smith,	Senator Frank Feighan,
	Senator Niall Ó Donnghaile.

DEPUTY SEÁN CROWE IN THE CHAIR.

**Issues Facing Prisoners and Ex-Prisoners: Discussion**

**Chairman:** Apologies have been received from Deputy Sean Sherlock and Senator Gerard Craughwell. I welcome everyone to the meeting today. We will be discussing issues facing former prisoners. We will hear from representatives from Coiste na n-Iarchimí. Unfortunately, representatives from EPIC, the Ex-Prisoners Interpretative Centre, were not in a position to attend this session due to other commitments but we hope to have them appear before us soon.

As we are all aware, since we last met an important anniversary was marked. Last week, on 10 April many members of this committee participated in important events that took place in Belfast to mark the 20th anniversary of the Good Friday Agreement. Those events were timely and important and remind us of the huge gains that have been made as a result of the Good Friday Agreement, but also the challenges that remain as we all at political, community and individual level work towards the full implementation of the Agreement in all its parts. This committee will continue to play its part in that endeavour.

Before we commence, on behalf of the committee I would also like to take a moment to extend heartfelt condolences to the family, friends and colleagues of Mr. Frank Murray who passed away over Easter. He appeared before the committee in late January to discuss the very important work of the Independent Commission for the Location of Victims' Remains, for which he was a commissioner since 2006. His commitment to the hugely important work of the commission was apparent at that meeting. Ar dheis Dé go raibh a anam dílis.

We will now bring in the witnesses. I formally welcome to our meeting Mr. Michael Culbert, director of Coiste n-Iarchimí and Mr. Kevin Mulgrew, its chairman. We will invite them to make their opening statements and that will be followed by some questions from committee members. I am sure they know the format at this stage.

First, I must refer to the required notices. I remind members, guests and those in the Public Gallery to please ensure their mobile phones, tablets and other such devices are switched off completely for the duration of the meeting as they cause interference, even on silent mode, with the recording equipment in the committee rooms.

I also remind members of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person or body outside the House, or an official either by name or in such a way as to make him, her or it identifiable.

By virtue of section 17(2)(l) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of the evidence they are to give to the committee. If, however, they are directed to cease giving evidence on a particular matter and they continue to so do, they are entitled thereafter only to qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and they are asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person, persons or entity by name or in such a way as to make him, her or it identifiable. I invite Mr. Culbert to make his opening statement. The usual format is that we will then take questions from the floor.

**Mr. Michael Culbert:** Go raibh maith agat ar dtús, a Chathaoirligh. I thank the committee for the invitation to come here and address the group. Just before I commence my statement, I was asked by Tom Roberts of EPIC to offer his apologies for not attending. He also asked me to convey that issues relating to the republican ex-prisoner community also relate to his com-

munity, which is the loyalist political ex-prisoner community.

Mr. Mulgrew and I are representing Coiste na n-Iarchimí, the organisation which works on behalf of the 25,000 former political prisoners who were imprisoned during the conflict for activities related to the Irish Republican Army. The prisons were emptied of political prisoners under the terms of the Good Friday Agreement way back in the year 2000, which was excellent. It was a great aspect of the Good Friday Agreement as far as we were concerned. Our problem at the moment is that there has really been very little implementation of changes to the situation of the 25,000 former prisoners and their families. We can be legally discriminated against in the North of Ireland. Apparently, that is a legal term. We can be denied all goods and services available to all other citizens. The baseline is that we are looking for equality of citizenship 20 years after the signing of the Good Friday Agreement.

One of the good things about the Good Friday Agreement as far as we were concerned were the commitments to the people who were being released from the prisons. Section 5 in Annex B stated:

The Governments continue to recognise the importance of measures to facilitate the reintegration of prisoners into the community by providing support both prior to and after release, including assistance directed towards availing of employment opportunities, re-training and/or re-skilling, and further education.

Unfortunately for us, people are denied access to university programmes, denied access to work for which they are well qualified, and we are denied freedom of travel to many countries. Most recently, four people were deported from Mexico on the orders of the American Government, according to the Mexican authorities. Our problem is we do not know where this will end, 20 years after the peace agreement.

They are just some of the aspects which affect us. Our job at the moment within the coiste is to constantly lobby and act as advocates for the 25,000 because the 25,000 cannot fight their individual situations in silos. All I ask is for consideration to be given to that section of the community which is proactively supportive of the peace process. Any assistance which could be given would be much appreciated. Sin a bhfuil agam, a Chathaoirligh.

**Mr. Kevin Mulgrew:** I thank the committee for the invitation. I am chairperson of Coiste na n-Iarchimí. We met the committee three or four times and I notice that some of the same members are here today so we did not want to come with the same list of issues, but the issues are all outstanding, for example, those relating to travel, mortgages, employment, fostering and adoption. We will forward a document to the committee on those issues. There is a small bit of tidying up to do on it because there has been some slight movement on some of the issues. I know travel is outside of the remit of the committee and this Government, but it can help in some other ways. The grandchildren of people who were arrested in 1972, who were not born when the conflict was going on, have been taken off aeroplanes.

We have had some success, nonetheless. We have met representatives of the embassies a number of times. The Australian Embassy, possibly given their history, had the best attitude and we have had some success in getting people in. We often say, quite flippantly, that if the Australians were using the same criteria now that they used in earlier times, they would not get into Australia. They took that on board and have been very progressive about it. It is done on a case by case, *ad hoc* basis but we have had some movement at least. Canada and the United States are a no-go situation, however. It is not an issue with which this committee can deal *per se* but it would be good if lobbying could be done at a certain level. The conflict is over as far

as we are concerned. We are totally supportive of the peace and political processes. We have been major players in supporting that from day one.

Mr. Culbert has touched on some of the main issues. The current position for us is that we were funded under the PEACE programmes I, II and III for service provision. PEACE IV has not turned out the way we would have wished. We went to Brussels a number of times and lobbied for the inclusion of target groups in the PEACE IV programme some years ago. We were successful in that but when the programme unfolded, there was nothing in it for service provision. The target groups are in but the only measurement coming out the other end is, as far as we are concerned, a sectarian headcount. It is about how many Protestants feel better towards Catholics. While that was a factor of our work - we have worked with all groups, including loyalist groups, Protestants and Unionists right across the board and we continue to do that - it was not the main remit of our group. We are dealing with the legacy of the conflict and the 25,000 people who were involved to some degree or other in that conflict and the issues coming out of that.

We met with the Fresh Start committee in the North and everything looked very positive. The Fresh Start agreement was probably the most progressive document that has come out in the past 30 years. That was when Stormont was *in situ*. The agreement then went in to the civil servants and when it came out the other end, the money had all gone towards the agencies. There is no money for groups, including our own. We are going back to talk about that. That is an option we thought would have dealt with some of the service provision but that seems to be gone, although we are still pursuing it. In terms of PEACE IV, there is an offer there but none of what is involved would be central to what our people want done. That is what they are telling us. It has been a very negative experience. We met with the Special EU Programmes Body, SEUPB, prior to this and explained our position and our needs. There is a raft of literature available, commissioned by the SEUPB, which outlines the ongoing needs. The SEUPB commissioned a large scale evaluation of our work in PEACE III and of the loyalist groupings. That came back very, very positive and said that at the time of evaluation, the work needed to be continued because the needs were still there. PEACE IV is a completely different animal however. We are now left in a position whereby the network is surviving on a voluntary basis but to be honest, it cannot continue like that. We need a dedicated funding stream so that we can continue with service provision.

As far as we are concerned, the conflict is over so all those involved in the conflict should be treated the same, especially the combatants. The State actors in this have received significant funding and we are not opposed to that. That is fine but nothing of a similar nature has been given to former republican activists. That is something we need to address because people are getting older. Most of the political prisoners are now in their sixties or seventies. They have families but because of imprisonment, involvement in the conflict, being on the run and so forth they do not have the wherewithall to manage or to cope for their children. There are lots of issues there with regard to age and poverty.

**Chairman:** In terms of the insurance problems to which the witnesses referred, what difference does being a former republican prisoner make?

**Mr. Michael Culbert:** I would deal mostly with those issues. The situation is that shortly after the Good Friday Agreement, anyone with a prison record could not get home or car insurance cover. Our work involved digging in and trying to find insurance brokers who would find insurance companies that were willing to insure people who had been in prison for political charges. We have been relatively successful but the problem is we had to go looking. We have

lists of brokers and insurance companies who will now interact with us but that is the product of a lot of hard work. People were quite simply lying to insurance companies or not telling them they had a prison record and then when something awful happened, they were faced with the reality that they had been paying insurance premiums but were not covered. We have been consistently trying to get the word out but it is not easy. Not everybody is tied into our network but we have been trying to get the word out because these issues affect all of the political ex-prisoner community. In terms of the simple example of insurance, we now have lists of the insurance companies that will provide insurance for our people in different offices throughout the country. It is easier, strangely enough, for political ex-prisoners in the North to get insurance cover than it is for those in the South.

There is a range of other situations which cause difficulties, including employment situations. We have been able, in the North, to establish guidelines for employers who are employing people who have been in prison for political charges. That has come about because legally employers can opt not to employ us even though we might be qualified for the employment. The head of the civil service, trade unions and employers' organisations were all involved with us in drawing up the policy guidelines, which was very helpful. We have been able to make major inroads, thanks to the strength of that working group which was set up in Stormont. It is called the Stormont working group. There are no politicians involved. Civil servants are in charge of it, along with ourselves and it has been quite effective in bringing about change. It gave great assistance to my organisation, Coiste. We took Peter Robinson to court and beat him two years ago because as Minister for Finance, he had issued an order that political ex-prisoners were not to be employed because they had to be subjected to the access checks that civil servants would go through for very high level jobs. A man who was a litter collector was put out of a job because of his imprisonment. We took his case to court and we won because of the ridiculousness of having to get high level security clearance to pick up litter. That has changed the atmosphere somewhat with employers in the North. The Stormont working group, which was set up after the St. Andrew's agreement, has been effective and it is great to see that. Unfortunately, however, we do not have a similar structure in the Twenty-six Counties.

These are just some examples but I will not bore the committee with any more. Suffice to say, in almost every aspect of life, we can be legally put aside and not treated the same as other citizens. We do not want superior treatment or to be put above anyone else. We would like to be treated as ordinary citizens but unfortunately that is not happening. We have people living in rural areas, for example, who cannot get weapons licences to control vermin. We have people who cannot even get licences to work as security personnel on doors or to work on building sites. All aspects of our daily lives are affected. All we want is that consideration be given to us, as a very important part of the Good Friday Agreement. That agreement is the cornerstone of our peace process and we would like consideration given to the implementation of the parts that affect us.

**Chairman:** I will open it up to committee members now.

**Deputy Maureen O'Sullivan:** I wish to acknowledge the importance of the work of the witnesses. Work with former prisoners, whether political or non-political, is so important. I would have some involvement with non-political prisoners in the Twenty-six Counties. What is common to both is the difficulties that society presents to those who want to move on. It is almost incredible to hear, 20 years on when so much has been achieved, that things are going backwards rather than forwards for former prisoners.

I ask the witnesses to provide more information on funding. I did not quite catch everything

in relation to PEACE IV. What are the stumbling blocks there and can this committee be of any support in that regard? We have had other presentations relating to legacy issues, truth and reconciliation and so forth. Will the witnesses' organisation engage with those other bodies as well? They have a good working relationship with the Ex-Prisoners Interpretative Centre, EPIC. Do they work together on particular issues? Does the witnesses' organisation have any engagement with the so-called dissidents, loyalist and republican?

**Mr. Kevin Mulgrew:** As I said initially, the funding criteria of PEACE IV mentions all these target groups and legacy issues impacting target groups but nothing within the application process lends itself to the actions that would deal with those issues. That is being blunt about it. The Democratic Unionist Party got into the document when it went to Europe and took it apart. It became a Catholic-Protestant issue. That is being straight on it. We met the sub group about it, we met the Commission in Brussels, we met loads of people and we were assured that it would not happen. Unfortunately, it did. At this stage, there is no service provision on that issue.

**Mr. Michael Culbert:** Deputy O'Sullivan mentioned EPIC. We work very closely with EPIC in a couple of regards. One relates to issues that could, in broad terms, come under reconciliation and conflict transformation. We deal with them and have sessions together. We talk on issues. The most recent one, funnily enough, was on the Irish language. That was both with EPIC and an organisation that Mr. Jackie McDonald - whom the committee may have heard of - was representing. I do not know the name of the group he was representing. There was a broad grouping from the former UDA prisoners in Belfast and the meeting was on the issue of the Irish language. I will speak about it quickly. They were all saying they did not mind the Irish language. The Irish language was okay. However, they did not like the Sinn Féin one. Go figure. That was what we were told. We do work with them on issues which are current and problematic for both communities.

We also work on the joint tourism project in Belfast. It ties in with our work with universities, schools and youth groups. We go into the youth groups, mostly along with former British soldiers, to give three different perspectives on what the context of the conflict was, what was happening from our individual perspectives and our hopes for the future. It is important for our next generation to know what happened and why. That is the situation between us and EPIC. Under the peace funds, which Mr. Mulgrew outlined, that was always an integral part of our work. However, at the same time, the majority of our work was working with our own individual communities to get them to a level where they were prepared to interact with these groups such as the former British military and former loyalists groups etc.

We have limited interaction with people who are not supportive of the peace process or who belong to organisations that are anti the peace process. We know them and would have been in prison with some of them. I do not know if the committee has heard of a man called Mr. Chris McCabe. He was a former head of the prison service in the North of Ireland. He and I interact quite a lot with a representative group of one of those organisations. There are quite a few of them. There is a pretty biggish one based in west Belfast. Mr. McCabe and I interact on issues, particularly those to do with people who are currently in prison. We raise issues and Mr. McCabe is the conduit for that. Those things are an integral part of our work. However, our primary work is with the political ex-prisoner community. That is our target group. I refer to those who were in prison under the broad ambit of the Irish Republican Army, IRA.

**Mr. Kevin Mulgrew:** I will give one more example that I think is a good one. There are other groupings that represent former Official IRA prisoners and Irish National Liberation

Army prisoners that we have met and were in forums with regularly. However, when the flags protests erupted in the North, and the street disorder began, we had a fairly lengthy meeting with the loyalist groupings. It was convened by the CFNI in the North fairly soon into it.

**Chairman:** What is the CFNI?

**Mr. Kevin Mulgrew:** The Community Foundation of Northern Ireland is a funded group in the North. It convened the meeting and invited us. We went to meet all of those groupings. It was fairly tense but out of that came a lot of stuff that defused matters in those areas. Many former political prisoners, both loyalist and ourselves, were out trying to prevent what was developing into something worse because it was near enough contagious. That was a major one but it goes on all the time. A lot of training happens through some of our networks. I refer to Tar Anall on the Falls Road and Tar Isteach in north Belfast. They have training programmes where loyalists come in and do training on the Falls Road, especially in door security and issues like that. At times, the majority are from loyalist and Protestant areas. There is a lot of connection.

**Senator Frank Feighan:** I thank Mr. Culbert and Mr. Mulgrew. It is great to see them here again. They were here four years ago I think. I remember as part of the Good Friday committee we went up and saw the valuable work being done. I know the witnesses' organisation has been working extremely hard across the communities with EPIC and similar organisations in loyalist west Belfast. I congratulate and thank them for the work that they have done.

There is an issue in regard to funding. There is a reconciliation fund from the Department of Foreign Affairs and Trade. There are issues because of the impasse in Stormont. Is it possible that this committee could recommend to the Department of Foreign Affairs and Trade that perhaps a budget could be secured or more of a budget? I saw first-hand the work that the witnesses' organisation has done.

Last time, the issue was car and home insurance. That was resolved to an extent but is still an issue. I am concerned at the barriers to international travel. The Australian Embassy must be congratulated. Today, I am going to the United States. I have to apply for my Electronic System for Travel Authorization, ESTA. It is only then that one witnesses the various things that one has to connect with. I can see where that problem is if there are any issues. It has certainly escalated in the last few years. The witnesses need dedicated funding for their organisation. It is hit and miss a lot of the time. I have seen first-hand the work they are doing and I am very impressed with what they have done over the years. Perhaps this committee could seek extra funding from the Department of Foreign Affairs and Trade, especially if the impasse in Stormont is affecting funding. Maybe it is or maybe it is not. I think the Department of Foreign Affairs and Trade should consider supporting this worthwhile project.

**Chairman:** I am informed that 2015 was the last time the group got a grant. I call Mr. Culbert.

**Mr. Michael Culbert:** I thank Senator Feighan. By the way I was speaking to Mr. Seán Kelly, he was asking how the Senator was keeping. The Department of Foreign Affairs has been generous to us in the past to a limited degree. I cannot object to that. It was for a limited piece of work, so they have been there. That is my comment on that. I appreciate what Senator Feighan has said about approaching them and if he wants to, that would be a good idea.

On the European situation, I wanted to clarify what Mr. Mulgrew said earlier. Much depends on one's narrative of what happened and why it happened etc. The context is vital.

Our problem is that we have identified the European funding streams, to which of course the southern Government contributes. It is just no longer peace-orientated. The emphasis is on the narrative that what was going on in the north of Ireland for 30 years was a Catholic-Protestant thing. Well, that is not a republican narrative. Therefore it is very difficult for us to formulate activities on behalf of our particular community when the funding streams are directed into interactions between Catholics and Protestants solely.

It is a very difficult situation because we do not want to lie to funders. We are very restricted in it. Mr. Mulgrew has outlined the situation. Europe is generous. It does give money; our problem is what it gives the money for. It gives the money for a particular narrative on our conflict. Quite simply, we find it difficult to get people to do what the European funding is for. We need to work with our people to build up capacity in order for them in some way to do the stuff that the European Union wants done. That is my clarification of it. I do not want it to sound too complicated or begrudging. It is great for funding to go in for services. However, our people need counselling, family support, training and re-training. Those are the type of things people need to gain meaningful employment.

**Deputy Brendan Smith:** I thank the visitors very much for the presentations. These are important issues. We are 20 years on from the Good Friday Agreement and progress is urgently needed on a number of issues. When we were in Belfast recently, the victims were people who outlined to us very clearly that their particular issues have not been addressed either.

Will the witnesses clarify how many former prisoners Coiste na n-larchimí represents? What network does the organisation have? How many loyalist former prisoners belong to a similar representative organisation?

Mr. Culbert spoke of the lack of access to third level education. Is this on the grounds of finance? What is it that denies access to third level education for people who are former prisoners?

With regard to the lack of a functioning Assembly and Executive in Northern Ireland, I presume this puts back further the issues and the means of dealing with the day-to-day issues that victims, former prisoners or others need to have addressed.

**Mr. Kevin Mulgrew:** On the numbers of former prisoners we represent, these are not our numbers. It is interesting that the British never kept detailed records of prisoners. I wish we had known that at the time. It would have made it a bit easier for the numbers to be counted. Independent research has put the number of republican prisoners anywhere in the region of 25,000 to 30,000. These are the figures from 1971 to 1998. This does not include figures prior to that date. This figure is collated from a number of reports. On the loyalist side there were 10,000 to 15,000. This is a high figure for loyalist prisoners. In the internment period, 100 loyalists were interned and 2,500 republicans were interned. That shows the difference.

We have interacted with a number of victims' groups through the Glenree Centre for Peace and Reconciliation and other processes. Some victims' groups do not want to meet us, and that is fine. We are open to meeting any of the groups. During some work that was done on victims' issues, some people used the term "victim" some used the term "survivors", whichever was suitable for them. Within the group of republican ex-prisoners, if one wanted to define the term "victim" there were quite a number of families, including my own family, whose family members were shot dead and others who were wounded during the conflict. I do not, however, consider myself a victim or survivor, if one wants to put that term on it. It does, however, inter-

weave with many of the people we work with who would be under the definition of “victims”. Some of them use the term but most do not. There is a clear issue. We were in Brussels last week along with a number of other victims’ support groups who are also saying that their issues were not being dealt with.

It is clear that the situation at Stormont is having an impact on this. There is limited funding now for some of the issues. It is very tenuous at times. Stormont not being in operation is creating issues. The working group was set up under the auspices of the Good Friday Agreement. It has a remit to deal with the issues. The group has made some inroads but there has been no progress on some of the issues.

**Mr. Michael Culbert:** I will also go back to some of the broad topics mentioned, one of which is the victims’ issues. On a personal level, I was on the first victims’ forum for a few years. I believe that how they are being treated is terrible. I do not believe that enough is being done. The Eames-Bradley plan was a great model for dealing with the victims of the conflict. It was built a little on the model coming from here. There was a five-year programme here, maybe ten years ago, where the Government gave a degree of financial assistance to victims. I cannot recall the name of the victims’ support programme, but I was involved in it for some time. This was a model that the Eames-Bradley plan tried to replicate. Political clout, unfortunately, was used to stymie the implementation of the Eames-Bradley plan for victims.

On the universities, it is very important for people moving on. There were particular courses, especially social work oriented courses and physiotherapy courses, where people had to be vetted for moving in to future work with physically or mentally vulnerable people. These arenas were closed off to people who had been in long-term imprisonment. We have pushed against this and have it cleared, mostly, but people have to fight their individual cases. Unfortunately, there is no situation where if a person has the qualification to get on to the course, he or she will get through. The person must also do the vetting process if he or she is a political ex-prisoner.

With regard to the current lack of government in the North and how it affects things, the one aspect that deals with us as a particular community is the Stormont working group, which is led by the head of the civil service. This group is run by civil servants and they do not need government or MLAs in place to be effective. They do quite good work with us and are very co-operative. When we need their assistance, they move on it, especially Professor Peter Sherlock who heads up one of the working groups. He has been very good to us. This is just to show the broader picture.

I wish to mention one small point, which I do not mean with any bias. Back when they were starting off, the victims’ sector in the North of Ireland tended to be representative of victims of the IRA. They have now evolved to be representative of victims of all violence, which includes state force violence. The victims’ sector, of its own accord, has been very influential on the Spanish victims’ sector, for example, and the Basque scenario there. It has also been very influential in the Colombian situation. I am not aware if any of the committee members have connections with the Colombian situation. I referred to Mr. Chris Maccabe earlier. He and I have been involved in it. The victims’ sector in the North of Ireland is very much influencing the victims’ sector in the Colombian situation and it is not good because the strong voices in the victims’ sector in the North of Ireland tend to be people who would hold a particular view of retribution, vindictiveness and non-forgiveness. The victims’ sector in the North of Ireland is quite mixed. I believe that they have not been dealt with very well, but at the same time I believe their influence is over and above what it should be.

**Mr. Francie Molloy:** I thank the witnesses for their presentations. It renews again the same issues we have been dealing with without much being resolved. The concern we met in Belfast that alarmed people was how families and family members are being treated because of the way a grandfather or grandmother was involved in the conflict or had been in prison. This was affecting three and four generations. The fact that they were related to an ex-prisoner affected travelling and the prices of getting insurance and so on. Prices were hiked up for them. What way would the representatives here today see around those issues and how could they be resolved?

I have concerns about the funding for Peace IV and especially the special EU programmes body, SEUPB. It is supposed to be resolving the issues of the conflict. This is what the EU money was supposed to be for. Was this conflict not old enough? When one considers the amount of money that went into the Orange Order to try to bring it on board - the SEUPB went after it to give it money - is there a case for getting some sort of correspondence between the two situations? Billions of pounds were thrown at the Orange Order to get it involved in it. It seems to be in contrast to what is being said here around ex-prisoners and bodies that work with ex-prisoners. The state has provided for ex-RUC and ex-UDR aspects in various different ways. I believe this committee has a role to play in trying to move this on and out of a conflict situation with some sort of parity right across the board. It is to be hoped we can do this. What we need is some type of pointer to what we need to do to resolve the situation and to come out of this with some sort of resolution. We keep talking about the same issues and problems but we are not getting resolutions to them. Pointers would be useful.

**Mr. Kevin Mulgrew:** We have a document, which we are processing, which deals with each of the issues from our perspective, that is, what the issue is, what the situation is, what needs to be resolved and who we believe are the main players. That is almost completed. One of the things with the current PEACE programme, and we have to be straight here, is that the DUP has its narrative, which is fine, we have our narrative and many other people have their narratives. We accept that. The DUP narrative is that there was no conflict. It is starting off with that narrative. Regardless of actions and enduring conflicts or anything like that, the language changed subtly from the legacy of the conflict to the legacy of the Troubles. That is the language in the previous SEUPB document, and it can be seen that that was a fairly big shift. If people are starting off by stating that there was no conflict and, I do not wish to get into pejorative terms, that it was just people decided to start killing and bombing with no context to it, where is people's starting point? The SEUPB was directed by how that final programme emerged.

The previous programmes were very beneficial to us, although limited in their capacity to deal with a range of issues and the numbers of people we were dealing with. However, it was very helpful, unlike this one. We stressed this when we met them. We brought this up two years before the programme was put together and we said this was going to happen. We went to Brussels and said that the DUP was going to take this apart, that it was going to unravel and that we needed guarantees. We said this clearly years beforehand. It is true that we are going back over the same issues. It is very frustrating, including for the committee members. That is why we did not come here to hand over the same document. It becomes a merry-go-round. This document will put the issues from our perspective and will include what we think can be done.

We have said that some of the travel issues are outside the remit of the committee. I have been in prison five times but I have no conflict related conviction because I was released every time. However, I get stopped going into Canada and get held for five days. I also get stopped from going to America and I am stopped if I try to go to Australia or New Zealand. That is the

reality for me. Michael has a conflict conviction so he will be in the same boat. It is not just people who were imprisoned. When boarding airplanes, the question asked is if one has ever been arrested. A person is not just asked if he or she has ever been imprisoned. It is similar with insurance forms. We only learned of this when we asked the brokers. Every form asks if a person has any outstanding charges. It was in the small print in every one of them when we started to look at them. We have had some success with them and we acknowledge that. With regard to travel, we acknowledge what Senator Feighan said about Australia. That has been very positive. Politics changed there. There was a change of government. There were a few terrorist incidents over there and that changes some people's opinions. We understand that, but it is on an individual basis again. We have had people who have gone out and people who have been refused. However, there is some movement, at least, but with others there is none.

We include the issues here, how they can be dealt with and what needs to be done. Some of it requires legislative change. Members will recall that there was an issue in this jurisdiction with regard to taxi drivers. The taxi Bill was passed. Much of that Bill was sound and many parties supported the provisions in it. However, no provision was made for political conflict related charges or jail sentences. Anybody who had been in prison for more than five years could be refused a licence to drive a taxi. We met FLAC, the Free Legal Advice Centres, which was very good. We took a case to court and we won it. That has set a precedent because it involved the constitutional right to work, the Good Friday Agreement and the length of time from when the person was imprisoned. The judge just threw it out. Again, that was positive. However, we spent approximately two years putting that case together to make a good case. We spoke to many gardaí about it since then. If anybody has been in prison for more than five years, they must make the Garda aware of that. The Garda can then process the person in whatever way it wishes. Most of the gardaí we have dealt with in most areas have said that as long as somebody does that, they will not be pursuing it any further if that person is a fit and proper person for work, which I think is the archaic language used.

There has been some progress and we are glad about that, but other issues are stagnating. The trouble with that is, as Mr. Molloy said, it is happening to the grandchildren, who are getting stopped. That is not isolated. There have been a number of cases. We are only hearing about some of them because people do not deal with them. People get fed up with some of the things. In the case of jobs, many of our people do not go for jobs because they say they will not get them. We are telling them to go for the jobs to challenge this and chase it, but there is a culture of saying there is no point because we have been doing this so many times. It breeds that type of indifference.

**Mr. Michael Culbert:** The British Government has five legislative measures that mitigate against me and citizenship. That is the basis of my inequality of citizenship as I reside in the North of Ireland. There are also several legislative measures in this jurisdiction that mitigate against people who have been in prison for political charges. I fully understand people not appreciating my particular republican perspective, but I would like them to understand it. That is probably what I would like to be accepted. Our problem is that as long as the legislation that existed during the conflict continues to exist, sometimes people like us are at a loss to explain to people what has changed. If I say to people that things are much better and the Good Friday Agreement is there to underpin it, people can still say that they cannot get on an airplane and go to Canada or wherever and visit their children. It is difficult and one of the main reasons, particularly in the North of Ireland and as has been outlined in the research of Professor Peter Shirlow, who I mentioned earlier, is the five British legislative measures.

They cover everything from our inability to travel to our inability to seek psychological assistance, for example. Many people are traumatised but, currently, under some of the legislation in the North of Ireland a professional cannot treat somebody in privacy. If a professional hears something from a client or a patient which was relevant to the conflict and does not report it, even today, the professional can be charged with withholding information. It is almost unbelievable that this exists. That is at the extreme end of the spectrum. The other end is that I could still be charged with something that happened, perhaps, in the early 1970s. Either the war is over or it is not. We are totally supportive of the peace process. We really want it to work and we promote it, but the people who are doing that are the people who are most likely at the sharp end of the legislation that is still in place. All we need is somebody who will try to advocate not on behalf of us but on behalf of equality for all in our society. That would do it.

I am in contact with Kevin Conmy, the Department of Foreign Affairs and Trade representative in Belfast. He is trying to rectify a situation I mentioned earlier relating to the deportation of four Irish citizens from Mexico. They all arrived with their holiday gear to go to Cancún in Mexico, but because one of them had been imprisoned and released in 1983, the four were deported and their passports were stamped as having been deported. How is that a way to treat Irish citizens, especially the three who had never been in prison? They were with the man who had been in prison. These are the small individualised silos we constantly have to deal with because people do not know how to deal with them. It is up to us to try to work on their behalf. On the larger scale, I am hoping people with power can possibly exert some type of influence.

**Senator Frances Black:** I thank the two witnesses for the great work they are doing. Francie Molloy asked all the questions I intended to ask, but I will highlight a couple of matters. We took a trip to Bridge of Hope in Belfast where we met two ex-prisoners, one from the loyalist side and one from the republican side. It was very powerful because both of them spoke about struggling with the same issues. One of them told us his granddaughter had gone through the process of applying to get into the police force in London but eventually she did not get in. What we heard was heartbreaking. The republican ex-prisoner spoke about not being able to get car insurance cover and neither could his son or daughter get insurance cover. That brought home the issues they face. It is a catch-22 situation. Are they the issues that witnesses deal with daily in trying to help people? What can we, as a committee, specifically do to support them? That is what we would like the witnesses to tell us today. Will they outline in a structured, simple way what we could do?

With regard to the PEACE IV funding, has the organisation got some funding from the EU down through the years? Also, is Brexit a cause of concern for the future in the area in which the witnesses work?

**Chairman:** I will bring in Senator Ó Donnghaile.

**Senator Niall Ó Donnghaile:** Tá brón orm nach raibh mé anseo don chur i láthair. Bhí mé ag cruinniú eile. I apologise for not being hear for the witnesses' presentation. My question is very much in the same vein as those put by Mr. Francie Molloy and Senator Frances Black, namely, what are the witnesses' requests of us?

I also have a few other questions. As a member of this committee and how it impacts on the implementation of the Good Friday Agreement, last week we were all in Belfast and we marked the historic promise of the Good Friday Agreement for a changed society and a changed political dynamic and reality. For me, the most glaringly obvious lack of change is manifested in the obstacles still faced by our ex-prisoner population right across the board. I speak as someone

who is the son of two ex-prisoners, the grandson of an ex-prisoner, the nephew of a number of ex-prisoners and the neighbour of countless ex-prisoners, and I am very proud of that.

In terms of everything the witnesses have outlined, for me, the obstacles are clearly more political, legislative and societal. I would offer that we need to initiate a conversation on the issues still faced by ex-prisoners in the context of the unimplemented aspects of the Good Friday Agreement, whether it be issues concerning car insurance, adoption, access to travel or the litany of obstacles many ex-prisoners still feel imprisoned in. They are imprisoned in poverty much of the time because they cannot access certain jobs. They are imprisoned in Ireland because they cannot travel. They are imprisoned in poor mental health and emotional well-being because they cannot access the services to which Mr. Michael Culbert referred. In many ways the biggest irony is that it is very similar to the stories that we heard from the victims in WAVE a number of weeks ago. When we compare and contrast those experiences with any number of benevolent funds and preferential services that are geared towards state actors in terms of the conflict, it is like night and day.

There is a conversation to be had within the broader political context, which we need to initiate and lead with respect to outstanding promises of the Good Friday Agreement, but in terms of, perhaps, more nuanced positions or actions by us as a committee, I would keen to tease those out. I appreciate it is very complex. None of this is straightforward or simple, but there is a constituency there. I would add that some people would make the argument, and this is a concern within the ex-prisoner population, that they are just waiting for us all to die off and then it is hoped the problem will go away. If we follow through the logic, however, that we all know that this is a transgenerational experience and problem, given the large constituency, particularly the large republican ex-prisoner constituency, this is going to be an ever-growing problem. We know of 18 year old university students who have been prohibited from going to the United States because they had a parent who had a political conviction. That is a live current problem that, I contest, runs directly in contrast to the spirit and the letter of the Good Friday Agreement. That should, from my perspective, energise the members of this committee greatly. My main question is the same as was asked previously, namely, what we can do to help.

**Chairman:** I note Mr. Brady wishes to speak. Is it in the same vein as the previous speakers?

**Mr. Mickey Brady:** I wish to make a few points.

**Chairman:** I will bring in Mr. Brady before I go back to the witnesses.

**Mr. Mickey Brady:** I thank the witnesses for their presentation. I acknowledge the work that Coiste does and the work done in my constituency by ex-prisoners such as the Felons in Newry, for instance, who not only work within our community but have very good contact and do a good deal of work with new nationals such as the Polish community.

Reference was made to Spain and Colombia. I am aware of the work that people like those in their organisation have done to try to bring a resolution to the problem involving the Basque community. I was in Colombia last week as part of an international delegation team to monitor the peace process there and I had the opportunity to speak to all sides of that conflict. I met a number of victims' groups and the Vice President of Colombia who was an ex-general very much involved in that conflict. I was struck by the similarity of their peace process to our own peace process, especially concerning the ex-combatants. One of the sad facts is that since January, more than 300 social activists and ex-combatants have been murdered by so-called parlia-

mentary gangs. Criminal gangs have moved into areas that FARC has left.

We also spoke to the Cuban ambassador and the Norwegian ambassador. Cuba and Norway are the guarantors of their peace process. I hope they take their role as guarantors more seriously than the Irish and the British Governments have done with our peace process. We want them to ensure the full implementation of the Good Friday Agreement. Obviously, that is one of the reasons this committee exists. The role played internationally by organisations such as that of the witnesses in trying to bring about the resolution of other conflicts is often forgotten, having had the experience of our own conflict. I acknowledge that and reiterate what was said regarding what this committee can do to progress that. Ultimately, in terms of the legacy issues and victims, the stumbling block is very simply the DUP and the British Government under the Fresh Start agreement and the Stormont House Agreement. The tools are in place to ensure that many of the legacy issues can be resolved but, unfortunately, that is the stumbling block and that must be seen.

**Chairman:** Before I bring in the witnesses to wrap up the discussion, I am sure we would all be open to writing to the Minister for Foreign Affairs regarding some of the issues they raised. The Minister, Deputy Donohoe, deals with the SEUPB with respect to the equivalent in the South. Regarding the document one of the witnesses spoke of submitting to the committee, does it outline the legislation that discriminates against ex-prisoners in regard to that?

To follow up on other points that were made, most people following these proceedings at home perhaps would not be very shocked about an ex-prisoner being stopped from travelling somewhere or being blocked in terms of applying for a job, but they would be shocked about that happening to their family or their grandchildren. Having regard to the history of the foundation of this State and people coming out of conflict, I remember the President, Michael D. Higgins, spoke of the difficulty his father found in getting work post the Civil War. One would think we would have learned from what happened in the 1920s and 1950s. I am sure we, as a committee, would be open to further progress this. It is a body of work and we want to be able to move forward in terms of the issues facing ex-prisoners. Mr. Culbert said the cohort of prisoners is 25,000. Is that from the past 40 years or was he referring to the 1950s?

**Mr. Michael Culbert:** From 1970 onwards.

**Chairman:** How many in this State would have gone through the prison system?

**Mr. Michael Culbert:** Thousands.

**Chairman:** Thousands.

**Mr. Michael Culbert:** Literally.

Gabhaim buíochas leis an Seanadóir as ucht an mhéid a dúirt sé. I will make a couple of points. In terms of what was said about the Good Friday Agreement, we welcomed it with open arms. It heralded the new era. My problem is that I wish I had written part of it. I do not know who wrote it but the part I read out to members, section 5 in Annex B, is weak. It refers to the importance of measures to facilitate the reintegration of prisoners into the community. That could mean literally anything. I did not write it. We did not write it. Somebody wrote it but, unfortunately, if it was a shot at goal, it would have hit the bar. It was a good effort.

We would welcome someone giving strong consideration to introducing some sort of legislation, even to highlight the issue. The legislation that mitigates against us in the North is not

Stormont legislation. It is British Government Westminster legislation which mitigates against us, therefore, we are powerless to try to influence people. I was delighted the Taoiseach, Deputy Varadkar, emphasised recently that the Good Friday Agreement is a cornerstone in terms of relations between Britain and Ireland. This is part of the Good Friday Agreement and I would welcome some pressure to be put on Government. Sometimes that is inappropriate but I would like something to be done.

After most conflicts internationally, demobilisation, demilitarisation and reintegration into the communities, DDR, is implemented by the combatant forces. That was never done with us. The British Government could not implement it because it could not acknowledge what was happening. Sectarian gangs were interacting with each other. It was not a colonial or anti-colonial struggle as far as the British were concerned.

We understand the basis for the British treating us the way they did but we do not like it. However, we cannot fully understand how the Irish, who have come through so many phases of conflict with the British, cannot attempt to pressurise them into bringing about the change. The most important factor that would underpin any influencing of the British to bring about this change would be the withdrawal of the reasons people have for opposing the peace process. That is a no-brainer as far as we are concerned. It would send a major signal, in the same way the Good Friday Agreement was a major signal that things have changed. However, 20 years on it is the same legislation that is mitigating against us and it is the same restrictions on our lives and that of our families.

I reiterate that anything that could be done would be positive, be it the changing of the wording or even the indicator of attempting to influence the British to change their legislation. We know intelligence is shared internationally. How do the Americans know about us having been in jail? How do the Americans know that some young person is the child of somebody who has been in jail? The intelligence sharing is going on. Australia, New Zealand, Canada and the United States are the four Governments that have the block against us, and they know all about us. A major problem we could face, and it is a possibility, is if Spain, France or Portugal introduce this. Will people be able to holiday in those countries?

*(Interruptions).*

**Mr. Michael Culbert:** Le do thoil. When people are not allowed get on a plane in Paris to fly to Cuba for a holiday or when they are deported from Mexico, do the members know where they are sent? They are sent to London; go figure. The least they could do is deport them to Ireland but they deport them to London. There is an irony in that because our conflict was focused on London. Sin a bhfuil agam arís.

**Mr. Kevin Mulgrew:** We put this document together because of all the questions coming in, asking what we can do. We need to throw something back in that regard and see what is doable. We are not finished. It goes into all the issues, what needs to be done and who we believe is responsible. That will be done in the next two weeks.

Legacy was not addressed in the terms of the Good Friday Agreement. It probably could not have been addressed because the DUP would not have bought into the issue of legacy but we can see now in terms of all the legacy issues, including the victims' issues and others, that none of them was dealt with. They were pushed down the road. That was probably needed to get that agreement at that time but we are paying for it now.

In the middle of all this is the issue of conflict related conviction. All the arrows come out from that. All these issues arise because of conflict related conviction. We have discussed that and there are various views on how we can get rid of conflict related conviction, that is, what they would call criminal record. We saw the recent controversy in Britain where they were trying to bring in a statute of limitations or amnesty for British personnel. I do not know whether that will go through but if a statute of limitations or a general amnesty is introduced, where would that leave victims' groups in having to pursue truth and justice for their people?

Coiste would be of the view that we need an amnesty. If people do not want to call it an amnesty, that is fine. We will live with an expunging of records, spent convictions or whatever but it needs to be done away with because that is the central problem that causes everything else. We have looked at the issue and spoken to academics about it. There were 55 amnesties from the Second World War. According to European law on that, there cannot be a stand-alone amnesty. I am using the word "amnesty". Any other variations can be used. There has to be other aspects involved. If we look at the Irish situation, we have had decommissioning and demobilisation on the part of the people we are representing, namely, former IRA prisoners. The reinsertion has not happened because of the legislation. We are always asked how long is a political prisoner an ex-political prisoner. The answer we give is as long as legislation exists which discriminates against them.

We need to do this somewhere down the road because I do not believe it will be solved in Ireland or through the British. There needs to be some European aspect to this in terms of looking at a special fund or how DDR should be implemented. The State forces have had DDR. They have had the "R" part of it, the reinsertion part. They did not have to demobilise or decommission. They have had the reinsertion part because of all the funds that have been allocated to them. Those are not just European funds. They are British state funds that are allocated every year. We do not begrudge that. We believe that is fine. What is good for the goose is good for the gander. If we are dealing with combatants equally, let us look at that. We need the respite, the counselling, the training and so on that is available. That is the only way I believe we will get it because if there is a narrative that does not agree with our narrative but which has a predominant strength in where the sub-strategy is going, we will never get anywhere with this. We will not accept it. They are trying to force us into this interpretation of the conflict. It was a sectarian conflict in the North. From our perspective, there was no colonialism, imperialism, occupation or any of that in it. That is a difficulty for us. To even apply for that type is a difficulty because it goes against our *raison d'être*.

**Chairman:** On behalf of the members, I thank Mr. Culbert and Mr. Mulgrew for appearing before the joint committee today and for answering questions so comprehensively. I appreciate their attendance.

I propose we go into private session to deal with business of the committee.

The joint committee went into private session at 3.19 p.m. and adjourned at 3.28 p.m. until 2.15 p.m. on Thursday, 3 May 2018.