

**Relatives for Justice Submission to the
Public Consultation For Ireland's Third
National Action Plan on Women, Peace
and Security**

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Relatives for Justice welcomes the opportunity to make a submission to the Irish Third National Action Plan on Women Peace and Security.

1. The Work of Relatives for Justice

Relatives for Justice is a world recognised NGO working with and providing support to relatives of people bereaved, and injured, by the conflict across Ireland and individuals in Great Britain.

Relatives for Justice (RFJ) was founded in April 1991 when a number of bereaved families affected by the conflict came together to support one another. Instrumental in the formation of the organization were key figures that had, on a voluntary basis, been active for the previous 2 decades such as Monsignor Raymond Murray, Clara Reilly, Peter Madden, and the law practice partner of the late Pat Finucane. RFJ is one of only a few organizations operating on a regional basis across the North and on an all island basis.

We assist and support families coping with the effects of bereavement through violence and the resulting trauma. We have offices in Belfast, Dungannon and 5 regional outreach centres. We are an accredited centre for counselling and psychotherapy with BACP.

RFJ identifies and attempts to address the needs of those who have suffered loss and injury; this is achieved through one to one contacts, self-help, group support, outreach and befriending, counselling support and therapy work, welfare and legal advocacy.

As relatives and survivors we all need to have our experiences heard and valued. In terms of conflict resolution this will also allow those most marginalised to realise the pivotal role and vital contribution that they bring to the creation of a new society based upon equality, respect and above all where human rights are secured.

This work highlights and attempts to address outstanding human rights abuses. Our primary objective in this area of work is to assist in the bringing about of a more human rights-based culture in order to safeguard and protect human rights for all.

1.1 Relatives for Justice Vision

To support the empowerment of the bereaved and injured of the conflict to realise improved health and wellbeing, and full and equal participation at every level of our post-conflict society

1.1.1 Relatives for Justice Mission

- Building and providing access to safe, integrated and professional services and programmes of support for the bereaved and injured of the conflict
- Contributing to the health and wellbeing of victims and survivors
- Realising empowerment through building skills, confidence and self-awareness
- Encouraging the bereaved and injured to realise their role in peace building and processes designed to deal with the past
- Investing in Relatives for Justice through training and sustainable partnerships

1.1.2 Relatives for Justice Aims

- To provide a safe space for the bereaved and injured of the conflict
- To provide professional, appropriate and development-based individual, family and group support for the bereaved and injured in an holistic, integrated fashion
- To develop and deliver said support in partnership with other professional organisations where appropriate
- To support the bereaved and injured to tell their story and document their experiences
- To build awareness and foster an understanding of the specific experiences and needs of the bereaved and injured of the conflict in a transitional context
- To contribute to the search for truth, highlight injustice and contribute to a culture of human rights
- To support families engaging with relevant processes to deal with the past including legal processes
- To liaise with domestic and international human rights NGOs, government bodies and other international organisations in the furtherance of the realisation of the rights of victims and survivors of the conflict

1.1.3 Relatives for Justice Core Values

- An active commitment to universal human rights and social justice

- The promotion of equality and respect for the background, diversity and experience of **all** those bereaved and injured by the conflict
- The application and development of the highest standards of professional support programmes for victims and survivors of the conflict
- The promotion of recognition and remedy for the specific gender harms and experiences of the bereaved and injured of the conflict

1.2 Eligibility

Relatives for Justice **only** supports victims and survivors of the conflict in its work. Eligibility for services is determined at initial contact and evidence retained.

2. Dealing with the past

Since the last National Action Plan was agreed there have been a number of significant political agreements for those who have been bereaved and injured as a result of conflict in the North of Ireland however nothing concrete has yet happened.

In the autumn of this year a consultation on mechanisms to deal with the past proposed by the British government was concluded. The proposals were based on the legacy mechanisms agreed in the Stormont House Agreement 2014¹.

It had been hoped that this consultation would include significant matters that were not included in the original proposals to which there has been significant and expressed public concern. These concerns have included the failure to make reparations for the injured of the conflict and the absence of any proposals to apply any form of gender lens to the proposed mechanisms. Sadly, the consultation document did not address any of these concerns. Our organisation has made a substantial submission regarding these and other omissions, in addition to addressing the substantive proposals.²

¹ The Stormont House Agreement 23rd December 2014 < <https://www.gov.uk/government/publications/the-stormont-house-agreement>>

² Response to the Consultation Addressing the Legacy of the Past October 2018 <<https://relativesforjustice.com/wp-content/uploads/2018/10/Dealing-with-the-Past-Consultation-Doc-Oct-2018-005.pdf>>

2.1 Failing to Deal with the Past

It is well recognised that the processes to date have not met families' needs and are not compliant with human rights law. In particular there has been utter disregard for the specific experiences and needs of women bereaved and injured during the conflict.

For the families who have lived through the initial violation and then multiple failed processes the consultation on dealing with the past came as another conversation about their needs without their rights or needs ever being met or addressed. There is a real fear that this will be another occasion where those who suffered codified and other multiple violations are asked to be persuaders for their own inalienable legal rights.

It is not without irony that this response is being written in the year of the 20th anniversary of the peace agreement. While the Good Friday Agreement (1998)³ is based on human rights law it only makes cursory acknowledgement of the legacy of human rights violations and harms and makes passing reference to the "Northern Ireland Victims Commission" consultation which was then underway⁴.

The legacy of the interminable failure to deliver rights to those who suffered harms serves only to compound and exacerbate the harm. This must be the final time that such an exercise is carried out. The legal requirements are clear. The required mechanisms are agreed. Legally compliant implementation is now the only option.

3. Failure to address gender in the debate on dealing with the past

In Relatives for Justice we have mainstreamed a gender analysis to all of our work. We have made concerted effort to apply the idea and promise of UNSCR1325⁵ and CEDAW General Recommendation 30. The promise is that societies will encourage participation of women most hurt by conflict and put in place support that is appropriate to their experience of conflict.

The North of Ireland enjoys the unenviable position where we live in a post conflict state but the UK, a permanent member of the Security Council, refuses to acknowledge the relevance of UNSCR1325

³ The Agreement. 10th April 1998 < <https://www.gov.uk/government/publications/the-belfast-agreement>>

⁴ Ibid see section "RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY" pts 11. 12.
And "We will Remember Them" Kenneth Bloomfield, April 1998

⁵ United Nations Security Council Recommendation 1325 on Women Peace and Security (31 October 2000)

in the local context due to contest over the status of the conflict. The UK government refuses to accept that there was a conflict here. We have proposed mechanisms to deal with the past which mirror any initiative in a post-conflict context yet there is a refusal to acknowledge the remit of UNSCR 1325 for women affected by conflict violations living on the island of Ireland.

This refusal has not been replaced by a commitment to ensuring substitute measures which would guarantee that women who experienced conflict harms are recognised and supported. In fact, the complete silence in the proposals to deal with the past regarding gender, despite extensive lobbying of both governments and all parties to this end, is nothing short of shameful.

Where the governments have failed to act on these international obligations Relatives for Justice has created a shadow framework to demonstrate that even in the absence of political will, with dedication and awareness, much can be achieved with very little resources.⁶

We all know, and it is recognised in international doctrine, that women experienced conflict differently, and indeed that women experience trauma differently. In our context in the North of Ireland women from every community founded support groups and saw the necessity for peer support, group work, talking and gentle solidarity. With 91% of those killed being men there was a particular experience of violation that belonged to women. Women recognised this themselves and gave expression to it through grassroots support organisations. That is not for one second to say that “hard” issues were not grappled with.

RFJ most certainly could not be accused of avoiding difficult conversations. RFJ’s founders are case examples of this. Eleanor McKerr, wife of the late Gervaise, stood as a stalwart against the cover up of Shoot to Kill before her untimely death, Emma Groves herself blinded by a rubber bullet travelled the world to end their use, Eilish McCabe whose brother Aidan McAnespie was killed by the British Army spoke out on policies of state impunity. Clara Reilly, who lost two brothers, and a founder of RFJ, and the United Campaign Against Plastic Bullets has travelled the world exposing state impunity and advocating for inclusive models of holistic support for all victims of our conflict. There is certainly no essentialising of women’s role or voices in favour of soft options.

The Good Friday Agreement gave tacit recognition to that work when it talked about the value of and need to resource community and voluntary self-help groups. But now that work is undervalued. Instead we have seen concerted moves to individualised support programmes, cutting the funding for group activities. Women promote group activity and safe space for recovery and healing. The

⁶ Dealing With The Past: Where Are the Women? Relatives for Justice 2015 <https://relativesforjustice.com/wp-content/uploads/2015/02/Dealing-with-the-Past-Where-Are-the-Women.pdf>

promotion of individualised “interventions” over long term processes of recovery and reconciliation impacts women disproportionately. Individualised approaches discriminate against women, and their place in family and community, and disregards the role that family and community, with women at their centre, play.

This is linked and applies to the issue of reparations and to the matters of truth recovery and pursuit of justice.

As previously explained, none of the processes mentioned in the consultation have benefitted from a gender lens. There is a grave danger that any emergent process will have the ignominious status of being one of the very few international examples of where gender did not figure.⁷

This will serve to exclude women from participation in the very processes designed to address their experiences. All societal barriers which women face are compounded by trauma and violent loss. A lack of gender lens will compound this even further.

Relatives for Justice commends the publication “Gender Principles for Dealing with the Past”⁸ to the consultation on WPS. Relatives for Justice have been involved in this important initiative and indeed our Deputy Director Andrée Murphy was part of the delegation that spoke at US Congress’ Tom Lantos Committee hearing, with assistance and generous support and funding from the Irish Department of Foreign Affairs, in 2016.

⁷ “Dealing With the Past: Where Are the Women?” Relatives for Justice February 2015
< <http://relativesforjustice.com/wp-content/uploads/2015/02/Dealing-with-the-Past-Where-Are-the-Women.pdf>>

“Gender Principles for Dealing with the Past” September 2015 < <http://relativesforjustice.com/wp-content/uploads/2015/09/genderprinciples.pdf>>

⁸ ibid

4. Recommendations

In the absence of formal mechanisms ensuring that there is a gender lens applied to all mechanisms for dealing with the past Relatives for Justice respectfully recommends the following:

1. That the WPS NAP includes the appointment of a shadow working group on gender inclusion to mechanisms on dealing with the past.
2. This should be established to recommend proposals for the application of a gender lens to the entire proposed legislation and any operational documents.
3. This group should commission reports on all legacy mechanisms for the purposes of monitoring gender participation and whether the mechanisms are identifying gender specific harms and addressing any such implications.
4. That the NAP includes specific funding arrangements for grassroots initiatives supporting women affected by conflict harms, identifying these harms and supporting women to articulate and identify needs associated with them. This will inform the working group and allow for wider examination of gender harms in the context of dealing with the past.