

Response to Public Consultation on Ireland's Third National Action Plan on Women, Peace and Security

Legacy Gender Integration Group

Thank you for the opportunity to offer input to the development of Ireland's Third National Action Plan on Women, Peace and Security. The Legacy Gender Integration Group was established in April 2015, after the announcement of the Stormont House Agreement (SHA), driven by a concern that initiatives to deal with the past, including the SHA, have been characterised by the absence of any official recognition of gender as a relevant consideration. The Group committed to work for the integration of gender into any forthcoming legislation and implementation of the SHA. Group members at present include Claire Hackett (Falls Community Council), Yasmine Ahmed (Rights Watch UK), Emma Patterson-Bennett (Gender equality activist), Gemma McKeown (Committee on the Administration of Justice), Mary McCallan (Relatives for Justice), Andréé Murphy (Relatives for Justice), Sarah Duddy, (Pat Finucane Centre), Catherine O'Rourke (Transitional Justice Institute, Ulster University), and Leah Wing (University of Massachusetts-Amherst).

Our response draws on the 'Gender Principles for Dealing with the Legacy of the Past'¹ and the report of our consultation with female victims and survivors of the conflict,² which we developed in 2015 and 2016 with the support of the Irish Government's Reconciliation Fund. Further, our response reflects our priorities as set out in our recent response to the draft legacy legislation of the Northern Ireland Office.³

Our input will focus on Question 4 of the Consultation Document, **'How should the National Action Plan apply to the Ireland-Northern Ireland context as well as migrants, asylum seekers, and others living in Ireland who come from conflict and post-conflict affected areas?'**

1 Available at https://www.ulster.ac.uk/_data/assets/pdf_file/0009/66285/Gender-Principle-Report-2
2 Available at https://www.ulster.ac.uk/_data/assets/pdf_file/0018/74070/Legacy-Gender-Integration-Group-Workshops-Report-Developing-Gender-Principles-for-Dealing-with-the-Legacy-of-the-Past-18-11-2015.pdf.

3 Available on request.

We note that Ireland's Second NAP specifically addressed legacy issues. Pillar 2 included the following indicator: 'Increased extent to which post-conflict structures address gender-specific legacy concerns'.⁴ We welcome this inclusion and, at a minimum, would hope to see a similar commitment in the Third NAP. We believe, however, that the third NAP provides an important opportunity to deepen and further this commitment. Ireland plays a unique and important role in discussions over how to address the legacy of the conflict. Ireland was directly involved in the negotiation of the SHA of 2014, which provided for the establishment of four new institutional mechanisms to address the legacy of the conflict. We have seen considerable delay in the establishment of these promised institutions, bringing further disappointment to victims and survivors of the conflict, whose hopes of action were raised by the SHA. Responding to the UK government's consultation launch on draft legacy legislation, the Tánaiste Simon Coveney noted:

*Everyone is agreed that the current system is not fit for purpose and that victims and survivors and society as a whole have waited for too long for progress on dealing with the legacy of the past. The full implementation of the Stormont House Agreement will help to provide families with a way to access whatever truth and justice is possible in their case. This will be an important step in achieving a truly reconciled society in Northern Ireland.*⁵

We are calling on Ireland to be a champion for a gender-sensitive and gender-inclusive such process and for the Third NAP to reflect and embed this role.

The Women, Peace and Security Agenda, as set out at the UN Security Council, gives considerable attention to transitional justice, including for example the need for gender-sensitive investigations and the importance of women's access to justice throughout post-conflict accountability mechanisms.⁶ We therefore see Ireland's role as both a global advocate for WPS agenda, and for truth and justice for victims of the conflict, coming together in a unique and important way in Ireland's engagement with dealing with the past. Ireland has a potentially very constructive role in improving the

4 Ireland Second National Action Plan on Women, Peace and Security, 2014-2018, page 15.

5 Tánaiste & Minister for Justice welcome launch of 'Addressing the Legacy of Northern Ireland's Past', 11/5/18, Tánaiste Simon Coveney, Press Releases, Northern Ireland, Ireland, 2018, available at <https://www.dfa.ie/news-and-media/press-releases/press-release-archive/2018/may/tanaisteandministerforjusticeandequalitywelcomelaunchofukgovernmentsconsultation/>.

6 See, for example, UNSCR 1325 OP 11; UNSCR 1820 OP 4; UNSCR 2122 OP 1, 12, 13, 14.

gender-sensitivity and gender-inclusivity of institutions and mechanisms emerging from SHA implementation.

Specifically, we wish to see the Irish government and Third NAP adopt the Gender Principles for Dealing with the Legacy of the Past as a means of improving upon the design and function of both current and proposed processes to deal with the past. Ireland's engagement with the UK government should reiterate our recommendations to implement the Gender Principles in the ways outlined in our response to the UK government's draft legacy legislation, namely:

- Explicit commitment to gender sensitivity in the enabling legislation;
- Establishment of a Gender Integration Oversight Group;
- Improved processes for gathering personal experiences throughout all the mechanisms;
- Document gendered harms resulting from the conflict throughout the legacy processes, both in individual statement-taking activities and in macro thematic activities;
- Recruitment, appointment and staffing criteria need to ensure the institutions are staffed by multidisciplinary teams, and lead to a degree of gender balance in staffing throughout all levels of the legacy institutions;
- Processes that ultimately favour disclosure as a means of providing healing to victims;
- Resource NGOs with local expertise, located within the community, where trusted relationships already exist with victims so that long term, structured support is available prior to, during and after engagement.

Practical measures to enable improved integration of gender in post-conflict legacy processes in Ireland north and south through the Third NAP include:

1. Specific tasking of relevant Irish government officials to work to improve the integration of gender in post-conflict legacy processes and institutions;
2. Ensuring the inclusion of relevant Irish officials in the Third NAP Oversight Group;

3. Ongoing engagement between the Conflict Resolution Unit, relevant officials of the Department of Foreign Affairs in Belfast and London, and the Joint Oireachtas Committee on the Implementation of the Good Friday Agreement, to monitor the gender-sensitivity of ongoing and proposed processes to deal with the past;
4. Ongoing engagement between the Conflict Resolution Unit, relevant officials of the Department of Foreign Affairs in Belfast and London, and the All-Ireland and British-Irish institutions established by the Good Friday Agreement, to monitor the gender-sensitivity of ongoing and proposed processes to deal with the past;
5. Specific funding arrangements for organisations and initiatives supporting women affected by the conflict to engage with post-conflict legacy processes.