**Legacy Gender Integration Group Submission to CEDAW Committee for the 72nd Session State Party Examination of the United Kingdom[[1]](#footnote-1)**

The Legacy Gender Integration Group is a group of women from civil society and academia in Ireland and the UK working to improve the integration of gender in efforts to deal with the past in Northern Ireland/North of Ireland. At present, the group includes 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), Andreé Murphy (Relatives for Justice), Sarah Duddy, (Pat Finucane Centre), Catherine O’Rourke (Transitional Justice Institute, Ulster University), and Leah Wing (University of Massachusetts-Amherst).

The Legacy Gender Integration Group was established in aftermath of the Stormont House Agreement (SHA), which was concluded in Belfast in December 2014 between the five major political parties in Northern Ireland, along with the British and Irish governments. Uniquely of peace agreements to address the conflict in and around the North of Ireland, the SHA provided for a series of linked mechanisms to deal with the past, specifically an *Historical Investigations Unit* to continue investigations of Trouble-related deaths with the possibility of prosecutions; the *Independent Commission on Information Retrieval* will enable relatives to privately seek information, which will not be admissible in criminal or civil proceedings, about the deaths of their family members; the *Implementation and Reconciliation Group* will oversee themes, archives and information recovery; and an *Oral History Archive* to provide a central place to share experiences and narratives of the Troubles.[[2]](#footnote-2)

The SHA, although significant in the level of consensus achieved, is nevertheless characterized by silence on gender. (For example, the SHA includes no commitment to the inclusion of women in staffing, decision-making and operation; or to gender-sensitivity in its operation or mandate; neither does it acknowledge CEDAW as relevant to the international legal framework.) The Legacy Gender Integration Group committed to work for the integration of gender into any forthcoming legislation and implementation of the SHA. The Legacy Gender Integration Group has engaged in formal and informal consultation with the British and Irish governments, local political parties, key policing and justice organisations, briefed the Tom Lantos Human Rights Commission of the U.S. Congress[[3]](#footnote-3) and the UN Special Rapporteur on Transitional Justice, and produced policy documents including the *Gender Principles for Dealing with the Legacy of the Past*,[[4]](#footnote-4) *Workshops Report: Gender Principles for Dealing with the Legacy of the Past*,[[5]](#footnote-5) and our submission in October 2018 to the Northern Ireland Office’s Consultation on draft legislation to implement the Stormont House Agreement.[[6]](#footnote-6)

Our submission details several areas of non-compliance with its CEDAW obligations by the UK government in addressing conflict legacy and post-conflict accountability issues in Northern Ireland. We focus in particular on concerns arising from the draft legacy legislation published in 2018. In making our submission, we draw also on the Committee’s General Recommendation Number 30 (GR30) on rights of women in conflict prevention, conflict and post-conflict situations.

**Application of the Convention**

Whereas the UK has repeatedly rebuffed the Committee’s requests to apply UNSCR1325 to Northern Ireland, GR30 makes clear the Committee’s inclusive definition of conflict to include situations as the ‘Troubles’ in the North of Ireland. Further, GR30 is clear in the application of CEDAW to all state party transitional justice initiatives. We find this a useful framework for our submission. We encourage the Committee to explain the nature of these obligations to UK government representatives.

**Article 2**

We commence our comments under article 2 by pointing out, firstly, that over four years since the Stormont House Agreement was agreed by *inter alia* the UK government, there has not yet been legislation adopted to implement the substance of the Agreement.

The Stormont House Agreement includes no reference to gender. The recent Consultation Document of the Northern Ireland Office ‘Addressing the Legacy of Northern Ireland’s Past’ includes one passing reference to gender, and *no reference in the accompanying draft legislation*.

The Group notes with concern that the Draft Bill does not contemplate any specific mandate for the Legacy institutions to investigate and consider the gender impact of the conflict and post-conflict period.

We feel this is a missed opportunity to design processes that truly respond to the needs of victims and survivors and meet the general principles outlined in the SHA in a practical, tangible way.

**Article** 4

In each of our engagements, we have argued that a gendered approach needs to be integrated holistically throughout all the institutions emanating from the SHA to contribute to the effectiveness, quality and scope of what they can deliver. In our opinion, this includes but is not limited to design, policies, processes, practice and decision-making matrices, remits, leadership, staffing, numbers and criteria for recruitment and expertise in each work team, staff training, assessments, workflow, analysis of all cases and themes, lens for allocating budgets, as well as monitoring and evaluation.

The Group urges the Government to make explicit provision for gender equality in the appointments to the Legacy Institutions. The provisions regarding the composition of the Historical Investigations Unit,[[7]](#footnote-7) the appointment of the Deputy Keeper’s steering group in the Oral History Archive,[[8]](#footnote-8) and commissioning of the Implementation and Reconciliation Group’s academic experts[[9]](#footnote-9) are silent as to gender at present. The Group urges the Government to consider introducing an express requirement of equality in gender representation and gender expertise in those groups. While parity of gender representation would not guarantee a gendered perspective in the activities and decisions of the Legacy Institutions, it will decrease the risk that the differential gender impact is overlooked.

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.

Gender expertise should be included in recruitment criteria, and inclusion of women should be a focus in all appointments to legacy institutions with particular attention to leadership positions. UNSCR 1325 specifically calls for increased representation and participation of women in decision making. This would be one means of achieving it. Further, the United Nations model of appointing gender advisers, to provide specific technical guidance, as well as gender focal points, to coordinate gender integration activities amongst staff across each of the institutions, should be considered.

**Article 5**

The wider harms experienced by victims and survivors, particularly women, and their resultant needs have been overlooked within the Stormont House Agreement and the legislation, whose frameworks for investigation and truth recovery focuses almost exclusively on the circumstances surrounding deaths. As the majority of cases taken to court have focused on the right to life, the emphasis has been firmly placed on the deceased male rather than the roles of women or the harms they experienced. The narrowing of the perceived harms and approaching dealing with the past through this restrictive frame has discounted the wider array of harms, and the gendered multiple harms women have and continue to experience which are not only linked to bereavement.

When social and economic issues are touched upon, they have been discussed in terms of areas that suffer deprivation, without acknowledging that many of the most impacted within deprived communities are female and the compounding nature of these harms as they have affected women’s lives has gone unexamined. In addition, there is no real interrogation of what could be done in terms of reparation.

We note, in particular, the findings of the UN Special Rapporteur on Truth, Justice, Reparations and Guarantees of Non-Recurrence on his visit to Northern Ireland in 2016:

The responses given by government institutions and civil society organizations have

focused on deaths, despite instances of other violations, including cases of illegal detention,

severe bodily injuries, and torture, which far outnumber the actual cases of death. These

cases deserve urgent attention, as victims have a right to comprehensive redress and

because some of them are in situations of extreme vulnerability. Claims left without redress

have a large impact on the credibility of institutions. *Furthermore, the gender-related*

*dimension of violations and abuses committed during the Troubles’ – particularly the heavy*

*burden, disproportionately shouldered by women, of caring for traumatized and/or disabled*

*family members – deserves sustained, thorough analysis and integration into policymaking.[[10]](#footnote-10)*

Further, the Special Rapporteur observed:

The gender-related impact of violations and abuses has been

understudied at an official level… More sustained and thorough

analysis of ways in which the impact of violations and abuses manifests itself in the lives of

women is required.[[11]](#footnote-11)

Regrettably, nothing in the government’s 2018 Consultation Document and Draft Legislation redresses this fundamental gender-blindness.

1. This submission can be posted on the CEDAW website for public information purposes. [↑](#footnote-ref-1)
2. The Stormont House Agreement, 2014, https://www.gov.uk/government/uploads/system/uploads/attachment\_

   data/file/390672/Stormont\_House\_Agreement.pdf [↑](#footnote-ref-2)
3. See further <https://humanrightscommission.house.gov/events/hearings/truth-and-reparations-northern-ireland-gender-integrated-approach-0>. [↑](#footnote-ref-3)
4. Legacy Gender Integration Group. *Gender Principles for Dealing with the Legacy of the Past*. Belfast, 2015, 1-16. [↑](#footnote-ref-4)
5. Legacy Gender Integration Group. *Workshops Report: Gender Principles for Dealing with the Legacy of the Past*. Belfast, 2015, 1-28. [↑](#footnote-ref-5)
6. Northern Ireland Office, Consultation Paper: Addressing the Legacy of Northern Ireland’s Past, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/709091/Consultation\_Paper\_Addressing\_the\_Legacy\_of\_Northern\_Irelands\_Past.pdf [↑](#footnote-ref-6)
7. Draft Bill, s3(1); Schedule 2, para 2. [↑](#footnote-ref-7)
8. Draft Bill, s52(9)(a). [↑](#footnote-ref-8)
9. Draft Bill, s62(1). [↑](#footnote-ref-9)
10. UN Special Rapporteur on Truth, Justice, Reparations and Guarantees of Non-Recurrence on his visit to Northern Ireland, A/HRC/34/62/Add.1 [↑](#footnote-ref-10)
11. Ibid, paragraph 36. [↑](#footnote-ref-11)